America, North

A

COLLECTION

OF

TRACTS,

ON THE SUBJECTS OF

TAXING THE BRITISH COLONIES

IN

AMERICA,

AND

REGULATING THEIR TRADE.

IN FOUR VOLUMES.

LONDON:

Printed for J. ALMON, oppoſite Burlington-Houſe, Piccadilly.

MDCCLXXIII.

[Price One Guinea.]

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MVSEVM
BRITANNICVM

CONTENTS.

VOL. I.

AUTHENTIC Account of the Congreſs held at New York, in 1765.
Conſiderations on the Propriety of Taxing the Colonies. By Mr. Delaney.
The late Regulations, &c. conſidered. By Mr. Dickenſon.
The late Occurrences, &c. conſidered.
Enquiry into the Rights, &c. by Mr. Bland.
Two Papers on the Subject of Taxing.
Application of Political Rules.

VOL. II.

Short Hiſtory of the Miniſtry.
The Conduct of the Adminiſtration Examined, relative to the Repeal of the American Stamp-Act.
Two Proteſts of the Lords, with Liſts of the Minority in both Houſes of Parliament, againſt Repealing the American Stamp-Act.
Vindication of the Colonies. By Mr. Otis.
True Sentiments of America.

VOL.

VOL. III.

The Controverſy between Great Britain and her Colonies Reviewed.

VOL. IV.

Letters to the Earl of Hillſborough.
Narrative of the Maſſacre at Boſton.
An Appeal to the World.
Obſervations on ſeveral Acts of Parliament.

AUTHENTIC ACCOUNT OF THE PROCEEDINGS OF THE CONGRESS HELD AT *NEW-YORK*, IN MDCCLXV,

On the SUBJECT of the

AMERICAN STAMP ACT.

MDCCLXVII.

[Price One Shilling.]

PROCEEDINGS

OF THE

CONGRESS

AT

NEW-YORK.

BOSTON, *June* 1765.

SIR,

THE Houſe of Repreſentatives of this province, in the preſent ſeſſion of the general court, have unanimouſly agreed to propoſe a meeting, as ſoon as may be, of COMMITTEES, from the houſes of repreſentatives or burgeſſes of the ſeveral Britiſh colonies on this continent, to conſult together on the preſent circumſtances of the colonies, and the difficulties to which they are, and muſt be reduced, by the operation of the acts of parliament for levying duties and taxes on the colonies; and to conſider of a ge-

neral, and united, dutiful, loyal and humble repreſentation of their condition, to his Majeſty and the Parliament, and to implore relief. The houſe of repreſentatives of this province have alſo voted to propoſe, That ſuch meeting be at the city of New-York, in the province of New-York, on the firſt Tueſday in October next; and have appointed a committee of three of their members to attend that ſervice, with ſuch as the other houſes of repreſentatives, or burgeſſes, in the ſeveral colonies, may think fit to appoint to meet them. And the committee of the houſe of repreſentatives of this province, are directed to repair to ſaid New-York, on ſaid firſt Tueſday in October next, accordingly.

If, therefore, your honourable houſe ſhould agree to this propoſal, it would be acceptable, that as early notice of it as poſſible, might be tranſmitted to the ſpeaker of the houſe of repreſentatives of this province.

SAMUEL WHITE, *Speaker.*

In conſequence of the foregoing circular letter, the following gentlemen met at New-York, in the province of New-York, on Monday the ſeventh day of October, 1765, viz.

From

From the province of the Maſſachuſetts-bay,

JAMES OTIS,
OLIVER PATRIDGE,
TIMOTHY RUGGLES, } Eſquires.

From the colony of Rhode-Iſland, and Providence plantations,

METCALF BOWLER,
HENRY WARD, } Eſquires.

From the colony of Connecticut,

ELIPHALET DYER,
DAVID ROWLAND,
WILLIAM SAMUEL JOHNSON, } Eſquires.

From the colony of New-York,

ROBERT R. LIVINGSTON,
JOHN CRUGER,
PHILIP LIVINGSTON,
WILLIAM BYARD,
LEONARD LISPENARD, } Eſquires.

From the colony of New-Jerſey,

ROBERT OGDEN,
HENDRICK FISHER,
JOSEPH BORDEN, } Eſquires.

From the Province of Pennſylvania.

JOHN DICKENSON,
JOHN MORTON,
GEORGE BRYAN, } Eſquires.

From

From the government of the counties of Newcaſtle, Kent, and Suſſex, on Delaware,

CÆSAR RODNEY,
THOMAS M'KEAN, } Eſquires.

From the province of Maryland,

WILLIAM MURDOCK,
EDWARD TILGHMAN, } Eſquires.
THOMAS RINGGOLD,

From the province of South-Carolina,

THOMAS LYNCH,
CHRISTOPHER GADSDEN, } Eſquires,
JOHN RUTLEDGE,

Then the ſaid committees proceeded to chuſe a chairman by ballot, and Timothy Ruggles, eſq; on ſorting and counting the votes, appeared to have a majority, and thereupon was placed in the chair.

SATURDAY, October 19, 1765, A. M.

The congreſs met according to adjournment, and reſumed, *&c.* as yeſterday. And, upon mature deliberation, agreed to the following declarations of the rights and grievances of the coloniſts in America, which were ordered to be inſerted.

The members of this congreſs, ſincerely devoted, with the warmeſt ſentiments of affection

affection and duty to his Majeſty's perſon and government, inviolably attached to the preſent happy eſtabliſhment of the Proteſtant ſucceſſion, and with minds deeply impreſſed by a ſenſe of the preſent and impending misfortunes of the Britiſh colonies on this continent; having conſidered as maturely as time will permit, the circumſtances of the ſaid colonies, eſteem it our indiſpenſable duty to make the following declarations of our humble opinion, reſpecting the moſt eſſential rights and liberties of the coloniſts, and of the grievances under which they labour, by reaſon of ſeveral late acts of parliament.

I. That his Majeſty's ſubjects in theſe colonies, owe the ſame allegiance to the crown of Great-Britain, that is owing from his ſubjects born within the realm, and all due ſubordination to that auguſt body the parliament of Great-Britain.

II. That his Majeſty's liege ſubjects in theſe colonies, are entitled to all the inherent rights and liberties of his natural born ſubjects, within the kingdom of Great-Britain.

III. That it is inſeparably eſſential to the freedom of a people, and the undoubted right of Engliſhmen, that no taxes be impoſed on them but with their own conſent, given perſonally, or by their repreſentatives.

IV. That

IV. That the people of theſe colonies are not, and, from their local circumſtances, cannot be, repreſented in the Houſe of Commons in Great-Britain.

V. That the only repreſentatives of the people of theſe colonies are perſons choſen therein by themſelves, and that no taxes ever have been, or can be conſtitutionally impoſed on them, but by their reſpective legiſlature.

VI. That all ſupplies to the crown being free gifts of the people, it is unreaſonable and inconſiſtent with the principles and ſpirit of the Britiſh conſtitution, for the people of Great-Britain to grant to his Majeſty the property of the coloniſts.

VII. That trial by jury, is the inherent and invaluable right of every Britiſh ſubject in theſe colonies.

VIII. That the late act of parliament, entitled, *An act for granting and applying certain ſtamp-duties, and other duties, in the Britiſh colonies and plantations in America, &c.* by impoſing taxes on the inhabitants of theſe colonies, and the ſaid act, and ſeveral other acts, by extending the juriſdiction of the courts of admiralty beyond its ancient limits, have a manifeſt tendency to ſubvert the rights and liberties of the coloniſts.

IX. That the duties impoſed by ſeveral late acts of parliament, from the peculiar

peculiar circumſtances of theſe colonies, will be extremely burthenſome and grievous; and from the ſcarcity of ſpecie, the payment of them abſolutely impracticable.

X. That as the profits of the trade of theſe colonies ultimately center in Great-Britain, to pay for the manufactures which they are obliged to take from thence, they eventually contribute very largely to all ſupplies granted there to the crown.

XI. That the reſtrictions impoſed by ſeveral late acts of parliament on the trade of theſe colonies, will render them unable to purchaſe the manufactures of Great-Britain.

XII. That the increaſe, proſperity and happineſs of theſe colonies, depend on the full and free enjoyments of their rights and liberties, and an intercourſe with Great-Britain mutually affectionate and advantageous.

XIII. That it is the right of the Britiſh ſubjects in theſe colonies to petition the king, or either houſe of parliament.

Laſtly, That it is the indiſpenſable duty of theſe colonies, to the beſt of ſovereigns, to the mother country, and to themſelves, to endeavour by a loyal and dutiful addreſs to his Majeſty, and humble applications to both houſes of parliament, to procure the repeal of the act for granting and applying certain ſtamp-du-

ties, of all clauſes of any other acts of parliament, whereby the juriſdiction of the admiralty is extended as aforeſaid, and of the other late acts for the reſtriction of American commerce.

Upon motion, voted, That Robert R. Livingſton, William Samuel Johnſon, and William Murdock, eſquires, be a committee to prepare an addreſs to his Majeſty, and lay the ſame before the congreſs on Monday next.

Voted alſo, That John Rutledge, Edward Tilghman, and Philip Livingſton, eſquires, be a committee to prepare a memorial and petition to the lords in parliament, and lay the ſame before the congreſs on Monday next.

Voted alſo, That Thomas Lynch, James Otis, and Thomas M'Kean, eſquires, be a committee to prepare a petition to the houſe of commons of Great-Britain, and lay the ſame before the congreſs on Monday next.

Then the congreſs adjourned to Monday next at twelve o'clock.

MONDAY, October 21, 1765, A. M.

The congreſs met according to adjournment.

The committee appointed to prepare and bring in an addreſs to his Majeſty, did report,

report, that they had eſſayed a draught for that purpoſe, which they laid on the table, and humbly ſubmitted to the correction of the congreſs.

The ſaid addreſs was read, and after ſundry amendments, the ſame was approved of by the congreſs, and ordered to be ingroſſed.

The committee appointed to prepare and bring in a memorial and petition to the lords in parliament, did report, That they had eſſayed a draught for that purpoſe, which they laid on the table, and humbly ſubmitted to the correction of the congreſs.

The ſaid addreſs was read, and after ſundry amendments, the ſame was approved of by the congreſs, and ordered to be ingroſſed.

The committee appointed to prepare and bring in a petition to the houſe of commons of Great-Britain did report, That they had eſſayed a draught for that purpoſe, which they laid on the table, and humbly ſubmitted to the correction of the congreſs.

The ſaid addreſs was read, and after ſundry amendments, the ſame was approved of by the congreſs, and ordered to be ingroſſed.

The congreſs adjourn to to-morrow morning, nine o'clock.

TUESDAY, October 22, 1765, A. M.

The congreſs met according to adjournment.

The addreſs to his Majeſty being ingroſſed, was read and compared, and is as follows, *viz.*

To the King's moſt Excellent MAJESTY,

The PETITION of the freeholders and other inhabitants of the Maſſachuſetts-Bay, Rhode-Iſland, and Providence plantations, , , New Jerſey, Pennſylvania, the government of the counties of New-Caſtle, Kent, and Suſſex, upon Delaware, province of Maryland,

Moſt humbly ſheweth,

THAT the inhabitants of theſe colonies, unanimouſly devoted with the warmeſt ſentiments of duty and affection to your Majeſty's ſacred perſon and government, inviolably attached to the preſent happy eſtabliſhment of the proteſtant ſucceſſion in your illuſtrious houſe, and deeply ſenſible of your royal attention to their proſperity and happineſs, humbly beg

beg leave to approach the throne, by repreſenting to your Majeſty, that theſe colonies were originally planted by ſubjects of the Britiſh crown, who, animated with the ſpirit of liberty, encouraged by your Majeſty's royal predeceſſors, and confiding in the public faith for the enjoyment of all the rights and liberties eſſential to freedom, emigrated from their native country to this continent, and by their ſucceſsful perſeverance in the midſt of innumerable dangers and difficulties, together with a profuſion of their blood and treaſure, have happily added theſe vaſt and valuable dominions to the empire of Great-Britain. That for the enjoyment of theſe rights and liberties, ſeveral governments were early formed in the ſaid colonies, with full power of legiſlation, agreable to the principles of the Engliſh conſtitution.

That under thoſe governments, theſe liberties, thus veſted in their anceſtors, and tranſmitted to their poſterity, have been exerciſed and enjoyed, and by the ineſtimable bleſſings thereof (under the favour of almighty God) the inhoſpitable deſarts of America have been converted into flouriſhing countries; ſcience, humanity, and the knowledge of divine truths, diffuſed through remote regions of ignorance,

rance, infidelity, and barbariſm; the number of Britiſh ſubjects wonderfully increaſed, and the wealth and power of Great-Britain proportionably augmented.

That by means of theſe ſettlements, and the unparallelled ſucceſs of your Majeſty's arms, a foundation is now laid for rendering the Britiſh empire the moſt extenſive and powerful of any recorded in hiſtory. Our connection with this empire, we eſteem our greateſt happineſs and ſecurity, and humbly conceive it may now be ſo eſtabliſhed by your royal wiſdom, as to endure to the lateſt period of time; this, with moſt humble ſubmiſſion to your Majeſty, we apprehend will be moſt effectually accompliſhed, by fixing the pillars thereof on liberty and juſtice, and ſecuring the inherent rights and liberties of your ſubjects here, upon the principles of the Engliſh conſtitution. To this conſtitution theſe two principles are eſſential, the right of your faithful ſubjects, freely to grant to your Majeſty, ſuch aids as are required for the ſupport of your government over them, and other public exigencies, and trials by their peers: by the one they are ſecured from unreaſonable impoſitions; and by the other from arbitrary deciſions of the executive power.

The continuation of theſe liberties to the inhabitants of America we ardently implore,

implore, as abſolutely neceſſary to unite the ſeveral parts of your wide extended dominions, in that harmony ſo eſſential to the preſervation and happineſs of the whole. Protected in theſe liberties, the emoluments Great-Britain receives from us, however great at preſent, are inconſiderable, compared with thoſe ſhe has the faireſt proſpect of acquiring. By this protection ſhe will for ever ſecure to herſelf the advantage of conveying to all Europe, the merchandiſes which America furniſhes, and of ſupplying through the ſame channel whatever is wanted from thence. Here opens a boundleſs ſource of wealth and naval ſtrength; yet theſe immenſe advantages, by the abridgment of thoſe invaluable rights and liberties, by which our growth has been nouriſhed, are in danger of being for ever loſt; and our ſubordinate legiſlatures, in effect, rendered uſeleſs, by the late acts of parliament impoſing duties and taxes on theſe colonies, and extending the juriſdiction of the courts of admiralty here, beyond its ancient limits: ſtatutes by which your Majeſty's commons in Britain undertake abſolutely to diſpoſe of the property of their fellow ſubjects in America, without their conſent, and for the enforcing whereof, they are ſubjected to the determination of a ſingle judge in a court unreſtrained by the wiſe rules

rules of the common law, the birthright of Engliſhmen, and the ſafeguard of their perſons and properties.

The invaluable rights of taxing ourſelves, and trial by our peers, of which we implore your Majeſty's protection, are not, we moſt humbly conceive unconſtitutional; but confirmed by the great CHARTER of Engliſh liberty. On the firſt of theſe rights the honourable the houſe of commons found their practice of originating money bills, a right enjoyed by the kingdom of Ireland, by the clergy of England, until relinquiſhed by themſelves, a right, in fine, which all other your Majeſty's Engliſh ſubjects, both within and without the realm, have hitherto enjoyed.

With hearts, therefore, impreſſed with the moſt indelible characters of gratitude to your Majeſty, and to the memory of the kings of your illuſtrious houſe, whoſe reigns have been ſignally diſtinguiſhed by their auſpicious influence on the proſperity of the Britiſh dominions, and convinced by the moſt affecting proofs of your Majeſty's paternal love to all your people, however diſtant, and your unceaſing and benevolent deſires to promote their happineſs, we moſt humbly beſeech your Majeſty, that you will be graciouſly pleaſed

to

to take into your royal conſideration the diſtreſſes of your faithful ſubjects on this continent, and to lay the ſame before your Majeſty's parliament, and to afford them ſuch relief, as in your royal wiſdom their unhappy circumſtances ſhall be judged to require.

And your petitioners as in duty bound will pray.

The memorial to the lords in parliament was read and compared, and is as follows, viz.

To the right honourable the lords ſpiritual and temporal of Great-Britain, in parliament aſſembled.

The MEMORIAL of the freeholders and others inhabitants of the Maſſachuſett's-Bay, Rhode-Iſland, and Providence plantations, , , New Jerſey, Pennſylvania, the government of the counties of Newcaſtle, Kent, and Suſſex, upon Delaware, province of Maryland,

Moſt humbly ſheweth,

THAT his Majeſty's liege ſubjects in his American colonies, though they acknowledge a due ſubordination to that auguſt body the Britiſh parliament, are entitled, in the opinion of your memorialiſts, to all the inherent rights and liberties of the natives of Great-Britain, and have ever ſince the Settlement of the ſaid colonies exerciſed thoſe rights and liberties, as far as their local circumſtances would permit.

That your memoraliſts humbly conceive one of the moſt eſſential rights of theſe colonies, which they have ever, till lately, uninterruptedly injoyed, to be trial by jury.

That your memorialiſts alſo humbly conceive another of theſe eſſential rights to be, the exemption from all taxes, but ſuch as are impoſed on the people by the ſeveral legiſlatures in theſe colonies, which right alſo they have, till of late, freely enjoyed.

But your memoraliſts humbly beg leave to repreſent to your lordſhips, that the act for granting certain ſtamp-duties in the Britiſh colonies in America, &c. fills his Majeſty's American ſubjects with the deepeſt

deepeſt concern, as it tends to deprive them of the two fundamental and invaluable rights and liberties above-mentioned, and that ſeveral other late acts of parliament, which extend the juriſdiction and powers of courts of admiralty in the plantations, beyond their limits in Great-Britain, thereby make an unneceſſary and unhappy diſtinction as to the modes of trial, between us and our fellow ſubjects there, by whom we never have been excelled in duty and loyalty to our Sovereign.

That from the natural connection between Great-Britain and America, the perpetual continuance of which your memorialiſts moſt ardently deſire, they conceive that nothing can conduce more to the intereſt of both, than the coloniſts free enjoyment of their rights and liberties, and an affectionate intercourſe between Great-Britain and them. But your memorialiſts (not waving their claim to theſe rights, of which with the moſt becoming veneration and deference to the wiſdom and juſtice of your lordſhips, they apprehend they cannot reaſonably be deprived) humbly repreſent, That from the peculiar circumſtances of theſe colonies, the duties impoſed by the aforeſaid act, and ſeveral other late acts of parliament, are extremely grievous and burthenſome,

and the payment of the ſaid duties will very ſoon, for want of ſpecie, become abſolutely impracticable; and that the reſtrictions on trade, by the ſaid acts, will not only greatly diſtreſs the colonies, but muſt be extremely detrimental to the trade and true intereſt of Great-Britain.

Your memorialiſts, therefore, impreſſed with a juſt ſenſe of the unfortunate circumſtances of the colonies, and the impending deſtructive conſequences which muſt neceſſarily enſue from the execution of thoſe acts, animated with the warmeſt ſentiments of filial affection for their mother country, moſt earneſtly and humbly entreat, That your lordſhips will be pleaſed to hear their counſel in ſupport of this memorial, and take the premiſſes into your moſt ſerious conſideration, and that your lordſhips will alſo be thereupon pleaſed to purſue ſuch meaſures for reſtoring the juſt rights and liberties of the colonies, and preſerving them for ever inviolate, for redreſſing their preſent, and preventing future grievances, thereby promoting the united intereſt of Great-Britain and America, as to your lordſhips, in your great wiſdom ſhall ſeem moſt conducive and effectual to that important end.

And your memorialiſts as in duty bound will ever pray.

WEDNES-

WEDNESDAY, October 23, 1765, A. M.

The congreſs met according to adjournment.

The petition to the houſe of commons being ingroſſed, was read and compared, and is as follows, *viz.*

To the honourable the knights, citizens, and burgeſſes of Great-Britain, in parliament aſſembled.

The PETITION of his Majeſty's dutiful and loyal ſubjects, the freeholders and other inhabitants of the colonies of the Maſſachuſetts-bay, Rhode-iſland, and Providence plantations, , , New Jerſey, Pennſylvania, the government of the counties of Newcaſtle, Kent, and Suſſex, upon Delaware, Maryland,

Moſt humbly ſheweth,

THAT the ſeveral late acts of parliament, impoſing divers duties and taxes on the colonies, and laying the trade and commerce thereof under very burthenſome reſtrictions, but above all the act for granting and applying certain ſtamp-duties, &c. in America, have fill'd them

them with the deepeſt concern and ſurprize; and they humbly conceive the execution of them will be attended with conſequences very injurious to the commercial intereſt of Great-Britain and her colonies, and muſt terminate in the eventual ruin of the latter.

Your petitioners therefore moſt ardently implore the attention of the honourable houſe, to the united and dutiful repreſentation of their circumſtances, and to their earneſt ſupplications for relief, from thoſe regulations which have already involved this continent in anxiety, confuſion, and diſtreſs.

We moſt ſincerely recognize our allegiance to the crown, and acknowledge all due ſubordination to the parliament of Great-Britain, and ſhall always retain the moſt grateful ſenſe of their aſſiſtance and protection. It is from and under the Engliſh conſtitution, we derive all our civil and religious rights and liberties: we glory in being ſubjects of the beſt of kings, and having been born under the moſt perfect form of government; but it is with moſt ineffable and humiliating ſorrow, that we find ourſelves, of late, deprived of the right of granting our own property for his Majeſty's ſervice, to which our lives and fortunes are entirely devoted, and

to

to which, on his royal requiſitions, we have ever been ready to contribute to the utmoſt of our abilities.

We have alſo the misfortune to find, that all the penalties and forfeitures mentioned in the ſtamp-act, and in divers late acts of trade extending to the plantations, are, at the election of the informer, recoverable in any court of admiralty in America. This, as the newly erected court of admiralty has a general juriſdiction over all Britiſh America, renders his Majeſty's ſubjects in theſe colonies, liable to be carried, at an immenſe expence, from one end of the continent to the other.

It gives us alſo great pain to ſee a manifeſt diſtinction made therein, between the ſubjects of our mother country, and thoſe in the colonies, in that the like penalties and forfeitures recoverable there only in his Majeſty's court of record, are made cognizable here by a court of admiralty: by theſe means we ſeem to be, in effect, unhappily deprived of two privileges eſſential to freedom, and which all Engliſhmen have ever conſidered as their beſt birthrights, that of being free from all taxes but ſuch as they have conſented to in perſon, or by their repreſentatives, and of trial by their peers.

Your

Your petitioners further ſhew, That the remote ſituation, and other circumſtances of the colonies, render it impracticable that they ſhould be repreſented, but in their reſpective ſubordinate legiſlature; and they humbly conceive, that the parliament, adhering ſtrictly to the principles of the conſtitution, have never hitherto taxed any but thoſe who were actually therein repreſented; for this reaſon, we humbly apprehend, they never have taxed Ireland, or any other of the ſubjects without the realm.

But were it ever ſo clear, that the colonies might in law be reaſonably deem'd to be repreſented in the honourable houſe of commons, yet we conceive, that very good reaſons, from inconvenience, from the principles of true policy, and from the ſpirit of the Britiſh conſtitution, may be adduced to ſhew, that it would be for the real intereſt of Great-Britain, as well as her colonies, that the late regulations ſhould be reſcinded, and the ſeveral acts of parliament impoſing duties and taxes on the colonies, and extending the juriſdiction of the courts of admiralty here, beyond their ancient limits, ſhould be repeal'd.

We ſhall not attempt a minute detail of all the reaſons which the wiſdom of the honour-

honourable houſe may ſuggeſt, on this occaſion, but would humbly ſubmit the following particulars to their conſideration.

That money is already become very ſcarce in theſe colonies, and is ſtill decreaſing by the neceſſary exportation of ſpecie from the continent, for the diſcharge of our debts to Britiſh merchants.

That an immenſely heavy debt is yet due from the colonies for Britiſh manufactures, and that they are ſtill heavily burthen'd with taxes to diſcharge the arrearages due for aids granted by them in the late war.

That the balance of trade will ever be much againſt the colonies, and in favour of Great-Britain, whilſt we conſume her manufactures, the demand for which muſt ever increaſe in proportion to the number of inhabitants ſettled here, with the means of purchaſing them. We therefore humbly conceive it to be the intereſt of Great-Britain, to increaſe, rather than diminiſh, thoſe means, as the profits of all the trade of the colonies ultimately center there to pay for her manufactures, as we are not allowed to purchaſe elſewhere; and by the conſumption of which, at the advanced prices the Britiſh taxes oblige the makers and venders

to ſet on them, we eventually contribute very largely to the revenue of the crown.

That from the nature of American buſineſs, the multiplicity of ſuits and papers uſed in matters of ſmall value, in a country where freeholds are ſo minutely divided, and property ſo frequently transferr'd, a ſtamp-duty muſt ever be very burthenſome and unequal.

That it is extremely improbable that the honourable houſe of commons ſhould, at all times, be thoroughly acquainted with our condition, and all facts requiſite to a juſt and equal taxation of the colonies.

It is alſo humbly ſubmitted, Whether there be not a material diſtinction in reaſon and ſound policy, at leaſt, between the neceſſary exerciſe of parliamentary juriſdiction in general acts, for the amendment of the common law, and the regulation of trade and commerce through the whole empire, and the exerciſe of that juriſdiction, by impoſing taxes on the colonies.

That the ſeveral ſubordinate provincial legiſlatures have been moulded into forms, as nearly reſembling that of their mother country, as by his Majeſty's royal predeceſſors was thought convenient; and their legiſlatures ſeem to have been wiſely and graciouſly eſtabliſhed, that the ſubjects in the

the colonies might, under the due adminiſtration thereof, enjoy the happy fruits of the Britiſh government, which in their preſent circumſtances they cannot be ſo fully and clearly availed of, any other way under theſe forms of government we and our anceſtors have been born or ſettled, and have had our lives, liberties and properties protected. The people here, as every where elſe, retain a great fondneſs for their old cuſtoms and uſages, and we truſt that his Majeſty's ſervice, and the intereſt of the nation, ſo far from being obſtructed, have been vaſtly promoted by the provincial legiſlatures.

That we eſteem our connections with, and dependance on Great-Britain, as one of our greateſt bleſſings, and apprehend the latter will appear to be ſufficiently ſecure, when it is conſidered, that the inhabitants in the colonies have the moſt unbounded affection for his Majeſty's perſon, family and government, as well as for the mother country, and that their ſubordination to the parliament, is univerſally acknowledged.

We, therefore, moſt humbly entreat, That the honourable houſe would be pleaſed to hear our counſel in ſupport of this petition, and take our diſtreſſed and deplorable caſe into their ſerious conſider-

ation, and that the acts and clauſes of acts, ſo grievouſly reſtraining our trade and commerce, impoſing duties and taxes on our property, and extending the juriſdiction of the court of admiralty beyond its ancient limits, may be repeal'd; or that the honourable houſe would otherwiſe relieve your petitioners, as in your great wiſdom and goodneſs ſhall ſeem meet.

And your petitioners as in duty bound ſhall ever pray.

Then the congreſs adjourned till tomorrow morning, ten o'clock.

THURSDAY, October 24, 1765.

The congreſs met according to adjournment.

The congreſs took into conſideration the manner in which their ſeveral petitions ſhould be preferred and ſolicited in Great-Britain, and came to the following determination, viz.

It is recommended by the congreſs, to the ſeveral colonies, to appoint ſpecial agents for ſoliciting relief from their great grievances, and unite their utmoſt intereſt and endeavours for that purpoſe.

Voted

Voted unanimouſly, That the clerk of this congreſs ſign the minutes of their proceedings, and deliver a copy for the uſe of each colony and province.

By order of the congreſs,

JOHN COTTON, Clerk.

Savannah, in Georgia, September 6, 1765.

SIR,

(COPY.) YOUR letter dated in June laſt, acquainting me, that the houſe of repreſentatives of your province, had unanimouſly agreed to propoſe a meeting at the city of New-York, of committees, from the houſes of repreſentatives of the ſeveral Britiſh colonies on this continent, on the firſt Tueſday in October next, to conſult together on the preſent circumſtances of the colonies, and the difficulties to which they are, and muſt be reduced, by the operation of the acts of parliament for laying duties and taxes on the colonies, and to conſider of an humble repreſentation of their condition to his Majeſty and the parliament, and to implore relief, came to hand at an unlucky ſeaſon, it being in the receſs of the

the general aſſemby of this province; nevertheleſs, immediately upon the receipt of your letter, I diſpatched expreſſes to the ſeveral repreſentatives of this province, acquainting them with the purport thereof, and requeſting them to meet at this place without delay, and accordingly they met here on Monday laſt, to the number of ſixteen, being a large majority of the repreſentatives of this province, the whole conſiſting of twenty-five perſons; but his excellency our governor being applied to, did not think it expedient to call them together on the occaſion, which is the reaſon of their not ſending a committee, as propoſed by your houſe, for you may be aſſured, Sir, that no repreſentatives on this continent can more ſincerely concur in the meaſures propoſed, than do the repreſentatives of this province now met together, neither can any people, as individuals, more warmly eſpouſe the common cauſe of the colonies, than do the people of this province.

The gentlemen now preſent, requeſt it as a favour, you'll be pleaſed to ſend me a copy of ſuch repreſentation as may be agreed upon by the ſeveral committees at New-York, and to acquaint me how, and in what manner, the ſame is to be lain before the king and parliament, whether

by

by any perſon particularly authorized for that purpoſe, or by the colony agents. The general aſſembly of this province ſtands prorogued to the 22d day of October next, which is the time it generally meets for the diſpatch of the ordinary buſineſs of the province; and I doubt not the repreſentatives of this province will then, in their legiſlative capacity, take under conſideration the grievances ſo juſtly complained of, and tranſmit their ſenſe of the ſame to Great-Britain, in ſuch way as may ſeem beſt calculated to obtain redreſs, and ſo as to convince the ſiſter colonies of their inviolable attachment to the common cauſe. I am, SIR,

Your moſt obedient,
And moſt humble ſervant,
ALEXANDER WILLY.

To SAMUEL WHITE, Eſq; Speaker of the Houſe of Repreſentatives of Maſſachuſetts, &c.

New-Hampſhire.

Mr. Speaker laid before the houſe a letter from the honourable Speaker of the honourable houſe of repreſentatives of the province of the Maſſachuſetts-bay, to the Speaker of this aſſembly, propoſing a meeting of committees, from the ſeveral aſſemblies of the Britiſh colonies on the continent,

continent, at New-York, to conſider of a general, united, dutiful, loyal, and humble repreſentation of our circumſtances, and for imploring his Majeſty and the parliament for relief: which being read,

Reſolved, That notwithſtanding we are ſenſible ſuch repreſentation ought to be made, and approve of the propoſed method for obtaining thereof, yet the preſent ſituation of our governmental affairs will not permit us to appoint a committee to attend ſuch meeting, but ſhall be ready to join in any addreſs to his Majeſty and the parliament we may be honoured with the knowledge of, probable to anſwer the propoſed end.

A. CLARKSON, Clerk.

The two foregoing letters are true copies from the original.

Atteſt. JOHN COTTON, Clerk.

Adjourned to to-morrow morning nine o'clock.

FRIDAY, October 25, 1765.

The congreſs met according to adjournment.

Time not permitting the clerk to make copies at large, of the proceedings of the congreſs,

congreſs, for all the colonies, they think it proper, ſhould be furniſhed therewith;

Reſolved, That the gentlemen from the Maſſachuſetts-bay be requeſted to ſend a copy thereof to the colony of New Hampſhire; the gentlemen of Maryland to Virginia; and the gentlemen of South Carolina to Georgia, and North Carolina.

Signed per order,

J. COTTON, Clerk.

An account of the diſpoſition of the £.500 granted by ordinance, and received of the treaſurer, by William Murdock, Edward Tilghman, and Thomas Ringgold.

	£.	s.	d.
To caſh paid the whole expences of the committee to New York, there and back again.	138	14	1
To caſh paid expreſs to New York, to give notice of our coming.	15		
To paid for expreſs, to ſend a copy of our proceedings to the Speaker of Virginia.	1	10	
To paid for a bill of exchange, to remit to Charles Garth, Eſq; with the addreſs and petitions 150l. ſterling, at 65 per cent. exchange. - -	247	10	
Caſh remaining in hand 127 piſtoles, and 18ſ8.	172	7	8
	575	1	9

By caſh received of the Treaſurer in gold, £.500, at 5ſ6 per dwt. as follows:

	£.	s.	d.
409 Spaniſh piſtoles, at 27ſ.	532	3	
5 Half Johannes, at 57ſ6.	14	7	6
4 French piſtoles, at 26ſ6.	5	6	
1 Moidore, - - -	2	3	6
1 Half ditto, - - -	1	1	9
	575	1	9

October 26, 1765.

SIR,

WE had the honour to be appointed by the houſe of repreſentatives of the province of Maryland, a committee, to meet committees of the members of aſſembly of the other colonies on this continent, at New York, the firſt of this inſtant, to join in a general, and united, dutiful, loyal, and humble repreſentation of the condition of thoſe colonies, to his Majeſty and the parliament, and to implore relief from the grievous burthens lately laid upon our trade, and the taxes and duties lately impoſed on us, eſpecially by the Stamp-act.

Accordingly members from nine colonies met, to wit, from the Maſſachuſetts-bay, Connecticut, Rhode-iſland and Providence plantations, New-York, New-Jerſey, Pennſylvania, the government of the counties of Newcaſtle, Kent and Suſſex, upon Delaware, Maryland, and South Carolina, but as you'll find the addreſs, &c. ſigned only by members from ſix of thoſe colonies, it may be proper to acquaint you with the reaſons why they did not all ſign, though they all concurred with the proceedings.

The

The lieutenant-governor of New-York prorogued their aſſembly from time to time, ſo that their houſe had not an opportunity of appointing members with full powers to join, and ſign the addreſs, &c. Yet the aſſembly of New-York having, at their laſt meeting, appointed five of their members as a committee, not only to correſpond with their agent at home, but alſo during the receſs of the houſe, to write to and correſpond with the ſeveral aſſemblies, or committees of aſſemblies on this continent, on the ſubject matter of the ſeveral late acts of parliament, ſo grievous and dangerous to their colonies, it was thought proper to admit this committee to join in the conferences, and they agreed to what was done, and promiſed to uſe their endeavours with their aſſembly to concur alſo whenever they ſhould be permited to meet.

The South-Carolina aſſembly, not rightly viewing the propoſal (which originally came from the aſſembly of the government of the Maſſachuſetts-bay) as it was intended that the ſeveral committees, when met, ſhould frame and ſign an addreſs to his Majeſty, and memorial and petition to the parliament, to be immediately diſpatched by the congreſs, inſtructed their members (Meſſrs. Lynch,

Rutledge, and Gadſden) to return their proceedings to them for approbation. The Connecticut aſſembly made the ſame reſtrictions in their inſtructions. The aſſembly alſo of New Hampſhire wrote, that they had reſolved, That notwithſtanding they were ſenſible ſuch a repreſentation ought to be made, and approved of the propoſed method for obtaining thereof, yet the preſent ſituation of their governmental affairs would not permit them to appoint a committee to attend ſuch meeting, but ſhould be ready to join in any addreſs to his Majeſty and the parliament they might be honoured with the knowledge of, probable to anſwer the propoſed end: and the Speaker of the aſſembly of Georgia wrote, that a majority of their members had applied to the governor to call their aſſembly, and he did not think it expedient, which was the reaſon they did not ſend a committee as propoſed, but requeſted us to tranſmit a copy of our proceedings to them (which will be done) and that their aſſembly would meet about this time, and he did not doubt but they ſhould act ſo as to convince the ſiſter colonies of their inviolable attachment to the common cauſe: we alſo underſtood the North-Carolina, and we know the Virginia aſſembly was prorogued, whereby they could

could not have the opportunity of joining us; ſo that we doubt not but the colonies who have not ſigned, will very ſpeedily tranſmit ſimilar addreſſes, &c. if their aſſemblies ſhould not be hindered from meeting: and to this purpoſe, we hope you'll ſoon hear from the aſſembly of South-Carolina. By the gentlemen of that colony we were favoured with a ſight of your late letters, and informed of your careful and ſpirited conduct with regard to the intereſts of that colony, and that, together with your declaration which we find in thoſe letters, that you enjoy an independent ſeat in the Britiſh parliament, induced us (as we have no eſtabliſhed agent at preſent, for this province, nor have yet been able to obtain a law to tax ourſelves for that purpoſe) to trouble you with our requeſt, that you will preſent the incloſed addreſs to his Majeſty, and memorial and petition to the houſes of parliament, and exert your utmoſt intereſt and abilities in behalf of this poor diſtreſſed country, and of this province in particular.

We hope, as there is a change in the miniſtry, and as the gentlemen in the houſe of commons may, at their next meeting, take a more enlarged view of the true intereſt of Great-Britain and her colonies, they will find it to be in ſupporting

porting the rights and encouraging the trade of the latter, and that the happineſs of the mother-country and her colonies muſt be inſeparable, and that we ſhall obtain relief.

The ſeveral committees agreed to recommend it to their reſpective colonies, to appoint ſpecial agents on this occaſion, and to inſtruct them to unite their utmoſt intereſt and endeavours for that purpoſe. One addreſs, &c. was tranſmited by the gentlemen of the Maſſachuſetts government, immediately to their agent (Mr. Jackſon we underſtood) and we expect the other colonies will have duplicates ſent to their agents, and we hope will all unite in expence and inſtructions, to have able counſel before both the lords and commons, as our petitions pray.

We were intruſted with the diſpoſition of ſome money upon this occaſion, and incloſe you a bill of exchange, on Meſſrs. Capel and Oſgood Hanbury, for one hundred and fifty pounds ſterling, as a compenſation for your trouble and expence in this affair. We doubt not our aſſembly will approve of what we do in this matter; and as they are to meet the laſt of this month, we ſhall lay our proceedings before them, and it is probable they will write you more fully, and furniſh

niſh you with ſuch further inſtructions and arguments as may appear to them to be proper to be given and urged on this occaſion, in behalf of the colonies.

We are,

Your moſt obedient ſervants.

FINIS.

CONSIDERATIONS

ON THE

PROPRIETY

OF IMPOSING

TAXES

IN THE

British COLONIES,

For the Purpoſe of raiſing a REVENUE, by ACT OF PARLIAMENT.

THE SECOND EDITION.

——Haud Totum Verba reſignent
Quod latet arcanâ, non enarrabile, fibrâ.

NORTH-AMERICA PRINTED:
LONDON, Re-printed for J. ALMON, oppoſite Burlington-Houſe, Piccadilly. MDCCLXVI.

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PREFACE.

IT would, now, be an unfaſhionable Doctrine, whatever the ancient Opinion might be, to affirm that the Conſtituent can bind his Repreſentative by Inſtructions; but though the obligatory Force of theſe Inſtructions is not inſiſted upon, yet their perſuaſive Influence, in moſt Caſes, may be; for a Repreſentative, who ſhould act againſt the explicit Recommendation of his Conſtituents, would moſt deſervedly forfeit their Regard and all Pretenſion to their future Confidence.

When it is under Deliberation, whether a new Law ſhall be Enacted, in which the Electors of England *are intereſted,* THEY *have Notice of it, and an Opportunity of declaring their Senſe.*——THEY *may point out every dangerous Tendency, and are not reſtrained in their Repreſentations, from ſhewing in the plaineſt Language, the Injuſtice or Oppreſſion of it.*

When a Law in its Execution is found to be repugnant to the Genius of Liberty, or productive of Hardſhips or Inconvenience, THEY *may alſo inſtruct their Deputies to exert Themſelves in procuring a Repeal of*

it, and in the Exerciſe of this Right are not conſtrained to whine in the Style of humble Petitioners.—— THEY *are expoſed to no Danger in explaining their Reaſons*—— THEIR *Situation does not become ſo delicate as to make it prudent, to weaken, by not urging them, with their full Force, and to their utmoſt Extent. But who are the Repreſentatives of the Colonies? To whom ſhall* THEY *ſend their Inſtructions, when deſirous to obtain the Repeal of a Law ſtriking at the Root and Foundation of every Civil Right, ſhould ſuch an one take Place? Inſtructions to all the Members who compoſe the Houſe of Commons would not be proper. To them the Application muſt be by Petition, in which an unreſerved Style would, probably, be deemed Indecency, and ſtrong Expreſſions Inſolence, in which a Claim of Rights may not, perhaps, be explained, or even inſinuated, if to impugn or glance at their Authority whoſe Relief is ſupplicated. To ſoften and deprecate muſt be the Hope and Endeavour, though a guiltleſs Freeman would, probably, be aukward in ringing all the Changes of* Parce, Precor.

Under theſe Circumſtances, the Liberty of the Preſs is of the moſt momentous Conſequence, for if Truth is not allowed to ſpeak thence in its genuine Language of Plainneſs and Simplicity, nor Freedom to vindicate its Privileges with decent Firmneſs, we ſhall have too much Reaſon to acknowlege his Foreſight who predicted, that "the Conſtitution of the Britiſh *Government "was too excellent to be permanent." The Train for*

the

the Accompliſhment of that Propheſy hath not yet catched in America, *nor, I truſt, been laid.*

That there have been Laws extremely unjuſt and oppreſſive, the Declarations of ſubſequent Parliaments, fixing this Stigma upon them, evince; but whilſt the Power which introduced them prevailed, it was not prudent to give them their deſerved Characters. The Parliament of Henry *III, or that of* Henry *VI, need not be cited; there are many other Inſtances, though not branded with Epithets ſo remarkably opprobrious.*

In the Opinion of a great Lawyer, an Act of Parliament may be void, and of a great Divine, "all "Men have natural, and Freemen legal Rights; "which they may juſtly maintain, and no legiſlative "Authority can deprive them of."

Caſes may be imagined in which the Truth of theſe Poſitions might, in Theory, be admitted; but in Practice, unleſs there ſhould be very peculiar Circumſtances, ſuch as cannot be ſuppoſed to exiſt during the Prevalence of the Power that introduced it, who would rely upon the Authority of Opinions, or the Principles of them, for his Protection againſt the Penalties of any *poſitive Law?*

When the Judges were aſked by Henry *VIII, Whether a Man might be attainted of High Treaſon by Parliament, though not called to anſwer, they declared that it was a dangerous Queſtion, and gave the eva-*

ſive Anſwer that, "*the High Court of Parliament* "*ought to give Examples of Juſtice to the inferior* "*Courts, none of which could do the like.*" *But though it might be dangerous to declare againſt the Authority of Parliament, we are not bound to acknowledge its Inerrability, nor precluded from examining the Principles and Conſequences of Laws, or from pointing out their Improprieties, and Defects. Upon this Ground I have proceeded in the following Conſiderations, and ſhall not be diſappointed if they ſhould appear to be too free, or too reſerved, to Readers of different Complexions.*

VIRGINIA, AUGUST 12, 1765.

CONSIDERATIONS, &c.

IN the Conſtitution of *England*, the Three principal Forms of Government, Monarchy, Ariſtocracy and Democracy, are blended together in certain Proportions; but each of theſe Orders, in the Exerciſe of the legiſlative Authority, hath its peculiar Department, from which the other are excluded. In this Diviſion, the *Granting of Supplies*, or *Laying Taxes*, is deemed to be the Province of the Houſe of Commons, as the Repreſentative of the People.---All Supplies are ſuppoſed to flow from their Gift; and the other Orders are permitted only to aſſent, or reject generally, not to propoſe any Modification, Amendment, or partial Alteration of it.

This Obſervation being conſidered, it will undeniably appear, that, in framing the late *Stampt Act*, the Commons acted in the Character of Repreſentative of the Colonies. They aſſumed it as the Principle of that Meaſure, and the *Propriety* of it muſt therefore ſtand, or fall, as the Principle is true, or falſe: For the Preamble ſets forth, That the Commons of *Great Britain* had reſolved to *Give and Grant* the ſeveral Rates and Duties impoſed by the Act; but what Right had the Commons of *Great Britain* to be thus munificent at the

Expence of the Commons of *America?*——To give Property, not belonging to the Giver, and without the Conſent of the Owner, is ſuch evident and flagrant Injuſtice, in *ordinary Caſes*, that few are hardy enough to avow it; and therefore, when it really happens, the Fact is diſguiſed and varniſhed over by the moſt plauſible Pretences the Ingenuity of the Giver can ſuggeſt.——But it is alledged that there is a *Virtual*, or *implied Repreſentation* of the Colonies ſpringing out of the Conſtitution of the *Britiſh* Government: And it muſt be confeſſed on all Hands, that, as the Repreſentation is not actual, it is virtual, or it doth not exiſt at all; for no third Kind of Repreſentation can be imagined. The Colonies claim the Privilege, which is common to all *Britiſh Subjects*, of being taxed *only* with their own Conſent given by their Repreſentatives, and all the Advocates for the *Stamp Act* admit this Claim. Whether, therefore, upon the whole Matter, the Impoſition of the *Stamp Duties* is a *proper* Exerciſe of Conſtitutional Authority, or not, depends upon the ſingle Queſtion, Whether the Commons of *Great-Britain* are *virtually* the Repreſentatives of the Commons of *America*, or not.

The Advocates for the Stamp Act admit, in expreſs Terms, that "the Colonies do not chuſe "Members of Parliament," but They aſſert that "the Colonies are *virtually* repreſented in the ſame "Manner with the Non-Electors reſident in *Great* "*Britain.*"

How have They proved this Poſition? Where have They defined, or preciſely explained what They mean by the Expreſſion, *Virtual Repreſentation?* As it is the very Hinge upon which the Rectitude of the Taxation turns, ſomething more ſatisfactory

ſatisfactory than mere Aſſertion, more ſolid than a Form of Expreſſion, is neceſſary; for, how can it be ſeriouſly expected, that Men, who think Themſelves injuriouſly affected in their Properties and Privileges, will be convinced and reconciled by a fanciful Phraſe, the meaning of which can't be preciſely aſcertained by thoſe who uſe it, or properly applied to the Purpoſe for which it hath been advanced.

They argue, that "the Right of Election being "annexed to certain Species of Property, to Fran-"chiſes and Inhabitancy in ſome particular Places, "a very ſmall Part of the Land, the Property, and "the People of *England* is comprehended in thoſe "Deſcriptions. All Landed Property, not Free-"hold, and all Monied Property, are *excluded.* "The Merchants of *London*, the Proprietors of "the Public Funds, the Inhabitants of *Leeds*, "*Halifax*, *Birmingham*, and *Mancheſter*, and that "great Corporation of the *Eaſt India* Company, "*None of Them* chuſe their Repreſentatives, and "yet are They all repreſented in Parliament, and "the Colonies being *exactly* in *their* Situation, are "repreſented in the *ſame* Manner."

Now this Argument, which is all that their Invention hath been able to ſupply, is totally defective; for, it conſiſts of Facts not true, and of Concluſions inadmiſſible.

It is ſo far from being true, that all the Perſons enumerated under the Character of *Non-Electors*, are in that Predicament, that it is indubitably certain there is *no* Species of Property, landed, or monied, which is not poſſeſſed by *very many* of the *Britiſh Electors.*

I ſhall undertake to diſprove the ſuppoſed Similarity of Situation, whence the ſame Kind of Repreſentation is deduced of the Inhabitants of the Colonies, and of the *Britiſh* Non-Electors; and, if I ſucceed, the Notion of a *virtual Repreſentation* of the Colonies muſt fail, which, in Truth, is a mere Cob-web, ſpread to catch the unwary, and intangle the weak. I would be underſtood. I am upon a Queſtion of *Propriety*, not of Power; and, though ſome may be inclined to think it is to little Purpoſe to diſcuſs the one, when the other is irreſiſtible, yet are They different Conſiderations; and, at the ſame Time that I invalidate the Claim upon which it is founded, I may very conſiſtently recommend a Submiſſion to the Law, whilſt it endures. I ſhall ſay Nothing of the Uſe I intend by the Diſcuſſion; for, if it ſhould not be perceived by the Sequel, there is no Uſe in it, and, if it ſhould appear then, it need not be premiſed.

Leſſees for Years, Copyholders, Proprietors of the Public Funds, Inhabitants of *Birmingham*, *Leeds*, *Halliſax*, and *Mancheſter*, Merchants of the City of *London*, or Members of the Corporation of the *Eaſt India* Company, are, *as ſuch*, under no perſonal Incapacity to be Electors; for they may acquire the Right of Election, and they are *actually* not only a conſiderable Number of Electors in each of the Claſſes of Leſſees for Years, *&c.* but in many of them, if not all, even Members of Parliament. The Intereſts therefore of the Non-Electors, the Electors, and the Repreſentatives, are individually the ſame; to ſay nothing of the Connection among Neighbours, Friends, and Relations. The Security of the Non-Electors againſt Oppreſſion, is, that their Oppreſſion will fall alſo upon the Electors and the Repreſentatives. The one can't be injured, and the other indemnified.

Further,

Further, if the Non-Electors ſhould not be taxed by the *Britiſh* Parliament, They would not be taxed *at all*; and it would be iniquitous, as well as a Soleciſm, in the political Syſtem, that They ſhould partake of all the Benefits reſulting from the Impoſition, and Application of Taxes, and derive an Immunity from the Circumſtance of not being qualified to vote. Under this Conſtitution then, a double or virtual Repreſentation may be reaſonably ſuppoſed.—The Electors, who are inſeparably connected in their Intereſts with the Non-Electors, may be juſtly deemed to be the Repreſentatives of the Non Electors, at the ſame Time They exerciſe their perſonal Privilege in their Right of Election, and the Members choſen, therefore, the Repreſentatives of both. This is the only rational Explanation of the Expreſſion, *virtual Repreſentation*. None has been advanced by the Aſſertors of it, and their Meaning can only be inferred from the Inſtances, by which They endeavour to elucidate it, and no other Meaning can be ſtated, to which the Inſtances apply.

It is an eſſential Principle of the *Engliſh* Conſtitution, that the Subject ſhall not be taxed without his Conſent, which hath not been introduced by any particular Law, but neceſſarily reſults from the Nature of that mixed Government; for, without it, the Order of Democracy could not exiſt.

Parliaments * were not formerly ſo regular in Point of Form as they now are. Even the number of Knights for each Shire were not aſcertained. The firſt Writs now extant for their Choice,

* See Treat. Peerage.

are 22nd *Edward* I, by which, Two, as at this Day, were directed to be choſen for each County; but the King not being ſatisfied with that Number, other Writs were iſſued for chuſing Two more. This diſcretionary Power being thought inconvenient, was afterwards reſtrained by the Statutes of *Richard* II, *Henry* IV, and ſubſequent Acts.

In earlier Times there was more Simplicity in the Rules of Government, and Men were more ſolicitous about the Eſſentials, than the Forms of it. When the Conſent of thoſe who were to perform, or pay any Thing extra-feudal, was fairly applied for and obtained, the Manner was little regarded; but, as the People had reaſon to be jealous of Deſigns to impoſe Contributions upon Them without their Conſent, it was thought expedient to have Formalities regulated, and fixed, to prevent this Injury to their Rights, not to deſtroy a Principle, without which, They could not be ſaid to have any Rights at all.

Before the Introduction of thoſe Formalities, which were framed with a View to reſtrain the Excurſions of Power, and to ſecure the Privileges of the Subject, as the Mode of Proceeding was more ſimple, ſo perhaps this Foundation of Conſent was more viſible than it is at preſent, wherefore it may be of Uſe to adduce ſome Inſtances, which directly point out this neceſſary and eſſential Principle of *Britiſh Liberty*.

The Lords and Commons have ſeparately given Aids and Subſidies to the Crown. In 13th *Edward* III, the Lords granted the Tenth of all the Corn, *&c.* growing upon their Demeſnes, the Commons then granting Nothing, nor concerning Them-

Themſelves with what the Lords thought fit to grant out of their own Eſtates.—At other Times, the Knights of Shires, ſeparating from the Reſt of the Commons, and joining with the Lords, have granted a Subſidy, and the Repreſentatives of Cities and Boroughs have likewiſe granted Subſidies to the Crown ſeparately, as appears by a Writ in 24th *Edward* I, which runs in theſe Words: *Rex*, &c.—*Cum Comites, Barones, Milites Nobis*, &c. *fecerunt undecimam de omnibus Bonis ſuis mobilibus, et Cives et Burgenſes*, &c. *ſeptimam de omnibus Bonis ſuis mobilibus*, &c. *nobis curialiter conceſſerint*, &c.——When an Affair happened, which affected only ſome Individuals, and called for an Aid to the Crown, it was common for thoſe Individuals *alone* to be ſummoned; to which Purpoſe ſeveral Writs are extant. In the 35th *Edward* III, there is a Writ (which *Dugdale* has printed in his Collection of Writs of Summons to Parliament) directed to the Earl of *Northampton*, which after reciting the Confuſion the Affairs of *Ireland* were in, and that he, and ſome other *Engliſh* Lords had Poſſeſſions in that Kingdom, and were therefore more particularly obliged to the Defence of it, follows in theſe Words: *Volumus Vobiſcum, et cum aliis de eodem Regno* (*Angliæ ſcilicet*) *Terras in dictâ Terrâ habentibus Colloquium habere*, &c.

But, that the Reader may perceive how ſtrictly the Principle of no Perſons being taxed without their Conſent, hath been regarded, it is proper to take Notice, that, upon the ſame Occaſion, Writs were likewiſe directed even to Women, who were Proprietors of Land in *Ireland*, to ſend their Deputies to conſult, and conſent to what ſhould be judged neceſſary to be done on the Occaſion;

e. g.

e. g. *Rex*, &c.—*Mariæ*, &c. *Salutem*, &c. *Vobis*, &c. *Mandamus quod aliquem, vel aliquos de quibus confidatis apud Weſtmon. mittatis ad loquendum nobiſcum ſuper dictis Negotiis, et ad faciendum et conſentiendum Nomine veſtro, ſuper hoc quod ibidem ordinari contigerit.*

A Reflection naturally ariſes from the Inſtances cited.—When, on a particular Occaſion, *ſome* Individuals *only* were to be taxed, and not the *whole* Community, *their* Conſent *only* was called for, and in the laſt Inſtance it appears, that they, who upon an Occaſion of a general Tax, would have been bound by the Conſent of their *virtual Repreſentatives* (for in that Caſe they would have had no *actual Repreſentatives*) were in an Affair calling for a *particular* Aid from them, *ſeparate* from the reſt of the Community, required to ſend their *particular Deputies:* But how different would be the Principle of a Statute, impoſing Duties without *their* Conſent who are to pay them upon the Authority of *their* Gift, who ſhould undertake to give, what doth not belong to them.

That great King *Edward* I, inſerted in his Writ of Summons, as a firſt Principle of Law, that *quod omnes tangat ab omnibus approbetur*, which by no Torture can be made to ſignify that their Approbation or Conſent *only* is to be required in the Impoſition of a Tax, who are to pay *no* Part of it.

The Situation of the Non-Electors in *England* —their Capacity to become Electors—their inſeparable Connection with thoſe who are Electors, and their Repreſentatives—their Security againſt Op-

Oppreſſion reſulting from this Connection, and the Neceſſity of imagining a double or virtual Repreſentation, to avoid Iniquity and Abſurdity, have been explained—The Inhabitants of the Colonies are, *as ſuch*, incapable of being Electors, the Privilege of Election being exerciſeable only in Perſon, and therefore if *every* Inhabitant of *America*, had the requiſite Freehold, not *one* could vote, but upon the Suppoſition of his ceaſing to be an Inhabitant of *America*, and becoming a Reſident in *Great-Britain*, a Suppoſition which would be impertinent, becauſe it ſhifts the Queſtion—Should the Colonies not be taxed by *Parliamentary Impoſitions*, their reſpective Legiſlatures have a regular, adequate, and conſtitutional Authority to Tax them, and therefore there would not neceſſarily be an iniquitous and abſurd exemption, from their not being repreſented by *the Houſe of Commons*.

There is not that intimate and inſeparable Relation between the *Electors of* Great-Britain and the *Inhabitants of the Colonies*, which muſt inevitably involve both in the ſame Taxation; on the contrary, not a ſingle *actual* Elector in *England*, might be immediately affected by a Taxation in *America*, impoſed by a Statute which would have a general Operation and Effect, upon the Properties of the Inhabitants of the Colonies. The latter might be oppreſſed in a Thouſand Shapes, without any Sympathy, or exciting any Alarm in the former. Moreover, even Acts, oppreſſive and injurious to the Colonies in an extreme Degree, might become popular in *England*, from the Promiſe or Expectation, that the very Meaſures which depreſſed the Colonies, would

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give Eaſe to the Inhabitants of *Great-Britain*. It is indeed true, that the Intereſts of *England* and the Colonies are allied, and an Injury to the Colonies produced into all its Conſequences, will eventually affect the Mother Country, yet theſe Conſequences being generally remote, are not at once foreſeen; they do not immediately alarm the Fears, and engage the Paſſions of the *Engliſh* Electors, the Connection between a Freeholder of *Great Britain*, and a *Britiſh American* being deducible only through a Train of Reaſoning, which few will take the Trouble, or can have an Opportunity, if they have Capacity, to inveſtigate; wherefore the Relation between the *Britiſh Americans*, and the *Engliſh Electors*, is a Knot too infirm to be relied on as a competent Security, eſpecially againſt the Force of a preſent, counteracting Expectation of Relief.

If it would have been a juſt Concluſion, that the Colonies being exactly in the *ſame* Situation with the *Non-Electors* of *England*, are *therefore* repreſented in the ſame Manner, it ought to be allowed, that the Reaſoning is ſolid, which, after having evinced a total *Diſſimilarity* of Situation, infers that their Repreſentation is *different*.

If the Commons of *Great-Britain* have no Right by the Conſtitution, to GIVE AND GRANT Property *not* belonging to themſelves but to others, without their Conſent actually or virtually given—If the Claim of the Colonies not to be taxed *without their Conſent*, ſignified by their Repreſentatives, is well founded, if it appears that the Colonies are not actually repreſented by the Commons of *Great-Britain*, and that the Notion of a

double

double or virtual Repreſentation, doth not with any Propriety apply to the People of *America*; then the Principle of the *Stamp Act*, muſt be given up as indefenſible on the Point of Repreſentation, and the Validity of it reſted upon the *Power* which they who framed it, have to carry it into Execution.

" Should the Parliament deviſe a Tax, to be " paid only by thoſe of the People in *Great-Bri-* " *tain*, who are neither Members of either Houſe " of Parliament, nor their Electors, ſuch an Act " would be unjuſt and partial," ſaith the Author of the Claim of the Colonies, &c. who yet allows that the " Non-Electors would have a Secu- " rity againſt the Weight of ſuch a Tax, ſhould " it be impoſed, which the Colonies have not, " *viz.* That the Members of Parliament and their " Electors, muſt be relatively affected by it; but " the induſtrious *North-American*, and the opu- " lent *Weſt-Indian* may have their Properties tax- " ed, and no Individual in *Great Britain* partici- " pate with them in the Burden: On the con- " trary, the Members of Parliament would make " their Court to their Conſtituents moſt effectual- " ly, by multiplying Taxes upon the Subjects of " the Colonies."

Is it not amazing that the above Author, *with theſe Sentiments*, ſhould undertake the Defence of the Stamp Duties, which, by his own Conceſſion, appear to be *more* unjuſt, and *more* partial than the Tax he ſuppoſes, and upon which he beſtows, very properly, the Epithets of *unjuſt* and *partial*.

——*Diluit Helleborum, certô compeſcere Punctô*
Neſcius Examen.

But it has been objected, that if the Inhabitants of *America*, becauſe repreſented in their reſpective Aſſemblies, are *therefore* exempted from a *Parliamentary Tax*, then the Citizens of *London*, who are repreſented in their Common Council, may plead the *ſame Immunity*. If it were not for the Authority upon which this Objection is urged, it might be ſafely paſſed over without a particular Anſwer; but ſince it hath been introduced with an Appearance of Reliance, and the Opinion which it retails, is ſaid to have been delivered with great Gravity, and pronounced with deciſive Confidence, I would not be ſo wanting in Reſpect to an eminent Character, as to neglect the Ceremony of a direct Refutation.

But I muſt obſerve that, when the Opinion of a Lawyer is taken in a Matter of private Concern, in which he is under no Bias to deceive, a conciſe Declaration of it may generally ſuffice; he who applies for it being generally obliged to depend upon his Council's Character of Integrity and Knowledge, not only becauſe the Expence of a methodical and minute Diſcuſſion would be too Burthenſome, but becauſe the Force of legal Reaſoning is not generally underſtood. But in a Queſtion of public Concernment, the Opinion of no *Court Lawyer*, however reſpectable for his Candour and Abilities, ought to weigh more than the Reaſons adduced in Support of it. They ought to be explained, they may be examined. Conſidering his Temptations, Credit ought to be cautiouſly

tiouſly and diffidently given, to his Aſſertion of what is his Opinion.—Conſidering the Conſequence of a Deciſion, not to one Man only, but to Millions that exiſt and Myriads that may exiſt, and the exceeding Fallibility of legal Knowledge, nothing ſhort of clear Conviction, after the fulleſt Explication of the Reaſons of the Opinion, and the moſt accurate and intenſe Conſideration of their Validity, can juſtify an Acquieſcence under it.

On the preſent Occaſion, ſo immenſely important, *Nullius addictus jurare in Verba Magiſtri*, I ſhall pin my Faith upon the *Dictum* of no Lawyer in the Univerſe, and when his *ipſe dixit* is authoritatively urged, I ſhall be at no Pains to repreſs my Suſpicions that his Reaſons are concealed, becauſe, if fairly produced and held up to the Light, many Flaws in them would be diſcovered by a careful Examiner. I have lived long enough to remember many Opinions of *Court Lawyers* upon *American* Affairs; they have been all ſtrongly marked with the ſame Character; they have been generally very ſententious, and the ſame Obſervation may be applied to them all.—They have all declared *that* to be *legal*, which the Miniſter for the Time being has deemed to be *expedient*. The Opinion given by a General of the Law in the late War on the Queſtion, Whether Soldiers might be quartered on private Houſes in *America*, muſt be pretty generally remembered.

The very learned Gentleman has, it ſeems, declared that, " upon mature Deliberation, he has " formed his Opinion, that the Colonies are in " their Nature, no more than Common Corpo- " rations, and that the Inhabitants of a Colony " are no more entitled to an Exemption from Par- " liamentary

" liamentary Taxations, becauſe repreſented in " an *American* Aſſembly, than the Citizens of " *London.*"

The Objection having been ſtated, the Anſwer is obvious and clear.

The Colonies have a compleat and adequate legiſlative Authority, and are not only repreſented in their Aſſemblies, but in *no other Manner*. The Power of making Bye-Laws veſted in the Common Council is inadequate and incompleat, being bounded by a few particular Subjects; and the Common Council are actually repreſented too, by having a Choice of Members to ſerve in Parliament. How then can the Reaſon of the Exemption from internal parliamentary Taxations, claimed by the Colonies, apply to the Citizens of *London?*

The Power deſcribed in the Provincial Charters is to make Laws, and in the Exerciſe of that Power, the Colonies are bounded by no other Limitations that what reſult from their Subordination to, and Dependance upon *Great-Britain.* The Term *Bye-Laws* is as novel, and improper, when applied to the *Aſſemblies*, as the Expreſſion *Acts of Aſſembly* would be, if applied to the *Parliament of* Great-Britain, and it is as abſurd and inſenſible, to call a Colony a Common Corporation, becauſe not an independent Kingdom, and the Powers of each to make Laws and Bye-Laws, are limited, though not comparable in their Extent, and the Variety of their Objects, as it would be to call Lake *Erie*, a *Duck-puddle*, becauſe not the Atlantic Ocean.

Should

Should the Analogy between the *Colonies* and *Corporations* be even admitted for a Moment, in order to ſee what would be the Conſequence of the *Poſtulatum*, it would only amount to this, The *Colonies* are veſted with as compleat Authority to all Intents and Purpoſes to Tax themſelves, as any *Engliſh Corporation* is to make a Bye-Law, in any imaginable Inſtance for any local Purpoſe whatever, and the *Parliament* doth not make Laws for *Corporations* upon Subjects, in every Reſpect proper for *Bye-Laws*.

But I do not reſt the Matter upon this, or any other Circumſtance, however conſiderable to prove the Impropriety of a Taxation by the *Britiſh* Parliament. I rely upon the Fact, that not one Inhabitant in any Colony is, or can be *actually* or *virtually* repreſented by the *Britiſh Houſe of Commons*, and therefore, that the Stamp Duties are ſeverely impoſed.

But it has been alledged, that if the Right to *Give and Grant* the Property of the Colonies by an internal Taxation is denied to the Houſe of Commons, the Subordination or Dependence of the Colonies, and the Superintendence of the *Britiſh* Parliament cannot be conſiſtently eſtabliſhed—That any ſuppoſed Line of Diſtinction between the two Caſes, is but " a whimſical Imagination, " a chimerical Speculation againſt Fact and Ex- " perience." Now, under Favour, I conceive there is more Confidence, than Solidity in this Aſſertion, and it may be ſatisfactorily and eaſily proved, that the Subordination and Dependance of the Colonies may be preſerved, and the *ſupreme Authority* of the Mother Country be firmly ſupported, and yet the Principle of Repreſentation, and the Right of the *Britiſh* Houſe of Commons flowing

flowing from *it*, to *Give and Grant* the Property of the Commons of *America*, be denied.

The Colonies are dependant upon *Great-Britain*, and the ſupreme Authority veſted in the King, Lords, and Commons, may juſtly be exerciſed to ſecure, or preſerve their Dependence, whenever neceſſary for that Purpoſe. This Authority reſults from, and is implied in the Idea of the Relation ſubſiſting between *England* and her Colonies; for, conſidering the Nature of human Affections, the Inferior is not to be truſted with providing Regulations to prevent his Riſing to an Equality with his Superior. But, though the Right of the Superior to uſe the proper Means for preſerving the Subordination of his Inferior is admitted, yet it does not neceſſarily follow, that he has a Right to ſeize the Property of his Inferior when he pleaſes, or to command him in every Thing, ſince, in the Degrees of it, there may very well exiſt a *Dependance* and *Inferiority*, without abſolute *Vaſſalage* and *Slavery*. In what the Superior may *rightfully* controul, or compel, and in what the Inferior ought to be at Liberty to act without Controul or Compulſion, depends upon the Nature of the Dependance, and the Degree of the Subordination; and, theſe being aſcertained, the Meaſure of Obedience, and Submiſſion, and the Extent of the Authority and Superintendence will be ſettled. When Powers, compatible with the Relation between the Superior and Inferior, have, by expreſs Compact, been granted to, and accepted by the latter, and have been, after that Compact, repeatedly recognized by the former—When They may be exerciſed effectually upon every Occaſion without any Injury to that Relation, the Authority of the Superior cannot properly interpoſe; for, by the Powers veſted in the Inferior, is the Superior limited.

By

By their Conſtitutions of Government, the Colonies are impowered to impoſe internal Taxes. This Power is compatible with their Dependance, and hath been expreſly recognized by *Britiſh* Miniſters and the *Britiſh* Parliament, upon many Occaſions; and it may be exerciſed effectually without ſtriking at, or impeaching, in any Reſpect, the Superintendence of the *Britiſh* Parliament. May not then the Line be diſtinctly and juſtly drawn between ſuch Acts as are neceſſary, or proper, for preſerving or ſecuring the Dependance of the Colonies, and ſuch as are not neceſſary or proper for that very important Purpoſe?

When the Powers were conferred upon the Colonies, they were conferred too as Privileges and Immunities, and accepted as ſuch; or, to ſpeak more properly, the Privileges belonging neceſſarily to Them as *Britiſh* Subjects, were ſolemnly declared and confirmed by their Charters, and They who ſettled in *America* under the Encouragement and Faith of theſe Charters, underſtood, not only that They *might*, but that it was their *Right* to exerciſe thoſe Powers without Controul, or Prevention. In ſome of the Charters the Diſtinction is expreſſed, and the ſtrongeſt Declarations made, and the moſt ſolemn Aſſurances given that the Settlers ſhould not have their Property taxed without their own Conſent by their Repreſentatives, though their legiſlative Authority is limited at the ſame Time, by the Subordination implied in their Relation, and They are therefore reſtrained from making Acts of Aſſembly repugnant to the Laws of *England*, and, had the Diſtinction not been expreſſed, the Powers given would have implied it, for, if the Parliament may in any Caſe interpoſe, when the Authority of the Colonies is adequate to the

Occaſion, and not limited by their Subordination to the Mother Country, it may in every *Caſe*, which would make *another* Appellation more proper to deſcribe their Condition, than the Name by which their Inhabitants have been uſually called, and have gloried in.

Becauſe the Parliament may, when the Relation between *Great Britain* and her Colonies calls for an Exertion of her Superintendence, bind the Colonies by Statute, therefore a Parliamentary Interpoſition in every other Inſtance, is juſtifiable, is an Inference that may be denied.

On ſome Emergencies, the King, by the Conſtitution, hath an abſolute Power to provide for the Safety of the State, to take Care, like a *Roman* Dictator, *ne quid Detrimenti capiat Reſpublica*, and this Power is not ſpecifically annexed to the Monarchy by any expreſs Law; it neceſſarily reſults from the End and Nature of Government: but who would infer from this, that the King, in every Inſtance, or upon every Occaſion, can, upon the Principles of the Conſtitution, exerciſe this ſupreme Power?

The *Britiſh Miniſters* have, in the moſt effectual Terms, at different Periods, from the Reign of *Charles* II, to that of the preſent King, recognized this Diſtinction in their Requiſitions, tranſmitted to the Colonies to raiſe and levy Men and Money, by Acts of Aſſembly; and recently, in the Courſe of the laſt War, they were ſo far from thinking that it was proper for the *Britiſh Houſe of Commons* to *Give and Grant* the Property *of the Colonies* to ſupport the military Operations in *America*, upon which not only the immediate Protection of that

Part

Part of the *Britiſh Dominions*, but the moſt important Intereſts, perhaps the ultimate Preſervation of *Great Britain* from Deſtruction, eſſentially depended; I ſay, on this great Occaſion of the moſt important, and national Concernment, the *Britiſh Miniſters* were ſo far from calling upon *the Houſe of Commons*, in their *peculiar* Department, to *Give and Grant* Property, belonging neither to Themſelves, nor their Conſtituents, that They directly applied to *the Colonies* to tax Themſelves, in Virtue of the Authority and Privilege conferred by their Charters, and promiſed to recommend it to the *Britiſh Parliament* to grant them a proper Compenſation for the Expence They ſhould incur in providing for the general Service.—They made good their Promiſe; and, if all the Money raiſed in the Colonies, by Acts of Aſſembly, in purſuance of the Requiſitions of the *Britiſh* Miniſters, hath not been repaid by Parliament, a very conſiderable Part of it hath.

Could They, who made the Requiſitions I have mentioned, or the Aſſemblies that complied with them, intend, or imagine the Faith of the *Engliſh* Government was to be preſerved by a Retribution, at one Time, of the Money diſburſed at the Inſtance, and upon the Credit of the *Britiſh Miniſtry*, enforced and ſupported by *Royal Aſſurances*, and by taking it back again at another Time? Is this Method of keeping the Faith of Government to be ranked among the "Improvements which have "been made beyond the Idea of former Admi-"niſtrations, conducted by Miniſters ignorant "of the Importance of the Colonies, or who "impotently neglected their Concerns, or were "diverted by mean Purſuits, from attending to "Them?" Is it abſolutely certain, that there never can, at any future Period, ariſe a Criſis, in

which the Exertion of the Colonies may be neceſſary, or, if there ſhould, that it will bring with it an Oblivion of all former Indirection?——But this is a Subject fitter for ſilent Meditation, than public Diſcuſſion.

There was a Time when Meaſures of Prevention might have been taken by the Colonies.—There may be a Time when Redreſs may be obtained—Till then, Prudence, as well as Duty, require Submiſſion.

It is preſumed that it was a notable Service done by *New England*, when the Militia of that Colony reduced *Cape Breton*, ſince it enabled the *Britiſh Miniſters* to make a Peace leſs diſadvantageous and inglorious than They otherwiſe muſt have been conſtrained to ſubmit to, in the humble State to which they were then reduced.—That the general Exertion *of the Colonies in* North America, during the laſt War, not only facilitated, but was indiſpenſably requiſite to the Succeſs of thoſe Operations by which ſo many glorious Conqueſts were atchieved, and that thoſe Conqueſts have put it in the Power of the preſent illuſtrious Miniſters to make a Peace upon Terms of ſo much Glory and Advantage, as to afford an inexhauſtible Subject during their Adminiſtration, and the Triumph of Toryiſm, at leaſt, for their ingenious Panegyriſts to celebrate.

An *American*, without juſtiy incurring the Imputation of Ingratitude, may doubt whether ſome other Motive, beſides pure Generoſity, did not prompt the *Britiſh Nation* to engage in the Defence of the Colonies.—He may be induced to think that the Meaſures taken for the Protection of the Plantations, were not only connected with the

the Intereſts, but even neceſſary to the Defence of *Great Britain* herſelf, becauſe he may have Reaſon to imagine that *Great Britain* could not long ſubſiſt as an independent Kingdom after the Loſs of her Colonies.—He may, without Arrogance, be inclined to claim ſome Merit from the Exertion of the Colonies, ſince it enabled *Great Britain* ultimately to defend herſelf; I mean that Kind of Merit which ariſes from Benefits done to others, by the Operation of Meaſures taken for our own Sakes—a Merit moſt illuſtriouſly diſplayed in the Generoſity of *Great Britain*, when, with their Co-operation, ſhe protected the Colonies to preſerve *herſelf*.

When an Houſe is in Flames, and the next Neighbour is extremely active, and exerts his Endeavours to extinguiſh the Fire, which, if not conquered, would catch, and conſume his own Dwelling, I do not ſay, that if the Owner of the Houſe which had been in Flames, ſhould, after the Fire was ſubdued, complaiſantly thank his Neighbour generally for his Services, he would be abſurdly ceremonious; but, if the Aſſiſtant ſhould afterwards boaſt of his great Generoſity, and claim a Right to the Furniture of the Houſe which he had aſſiſted in Saving, upon the Merit of his Zeal and Activity, he would deſerve to be put in Mind of the Motive of his Service.

If the Advantages gained by the late *moſt glorious and ſucceſsful War* have been ſecured by an *adequate* Peace—If the Succeſſes that attended the military Operations of the *Britiſh* Arms, were the Effect of the conjunct Efforts of the *Britiſh Nation* and her *Colonies*, rouſed by the Spirit, excited by the Virtue, animated by the Vigour, and conducted by the Wiſdom of the ableſt Miniſter that

ever

ever ſerved his Country, has there been no Compenſation received for the Charges of the War? Are the Colonies entitled to no Credit for it?

When the Deſign is to oppreſs the Colonies with Taxes, or calumniate the late patriotic Miniſter, the *Expences of the War*, and the *Enormity* of the *national Debt* are proclaimed: When the preſent all accompliſhed Adminiſtration is to be celebrated, then is the immenſe Value of the new Acquiſitions diſplayed in the brighteſt Colours, "Acquiſitions vaſt in Extent, richly productive "of the valuable Commodities belonging to their "ſeveral Climates. The Poſſeſſion of thoſe in "*North America*, enſures the Safety of the other "Colonies there, inſomuch that our only dange-"rous Neighbours, the *French*, do not think the "Pittance left worth retaining, having, by the "Ceſſion of *Louiſiana* to the *Spaniards*, avowedly "given up for ever thoſe great Objects, for which "alone They began the War.—The ceded Iſlands "are almoſt of equal Advantage, for protecting "our own, and annoying the Settlements of the "*French* and *Spaniards*, if They ſhould be again "our Enemies.—Part of *Nova Scotia*, ſince the "Removal of the neutral *French*, hath been al-"ready ſettled by 10,000 Inhabitants, within the "Compaſs of Six or Seven Years, a Province "lately conſidered as no more than a proper Si-"tuation for a Fortreſs, whoſe Garriſon it could "not ſubſiſt: Even *Cape Breton*, that barren Ap-"pendage to the Province of *Nova Scotia*, is "known now to contain Treaſures ſo worthy of "Attention, as to be reſerved to the Crown. "The Mines there are not Veins; they are "Mountains of Coal; vaſt Clifts of nothing elſe, "ſtand open, and acceſſible; no Boring neceſſary "to find it; no Pit neceſſary to come at it; no

"Fire-

" Fire-Engines requiſite for carrying on the " Works. This Iſland, and all the neighbouring " Shores in the Gulph of St. *Laurence*, have an- " other Fund of Wealth in their Fiſheries. *Ca-* " *nada* is already a very flouriſhing Colony, inha- " bited by 90,000 People, and their Demand on " *Great Britain* for a Supply of Manufactures, " muſt be immediately conſiderable. The Peltry " will be another great Branch of Commerce, " *Weſt-Florida* is ſurprizingly fertile, and luxuriantly " productive in its natural State, of every Thing, " and not only promiſing, but actually producing " Wines and Silk, and Indigo, *&c. &c.*"

Is no Part of this Deſcription the Ebullition of an exuberant Fancy, and ſhall we not caſt one Glance of Retroſpection towards the Man, who, when his Country was deſpiſed, and inſulted, and ſunk into the moſt abject Condition of Deſpondence, by inſpiring her Sons with that invincible Vigour of Patriotiſm, with which himſelf was animated, not only diſpelled her Fears, ſecured her Safety, and retrieved her Honour, but humbled her Enemies, and tore from them the Reſources of their Strength, and the Supports of their Inſolence?

Are the Acquiſitions of the War retained by the Peace, ſo ineſtimably valuable, and ought not the Colonies to have ſome Conſideration that were inſtrumental in the Succeſſes whence thoſe Acquiſitions flowed, and ſtrained every Nerve in the general Service, to that Degree of Exertion, that without it, all the Power of *Great Britain*, all the amazing Abilities of her Miniſter, and all the Diſcipline, and unparalleled Bravery of her national Troops and Seamen, could not have availed beyond mere Defence, if happily ſo far? If the War was expenſive beyond all former Example, ſo were the

Succeſſes of it beneficial. If the Expences attending the military Operations in *America*, are juſtly to be charged to the ſole Defence of the Colonies, and no Part of it to the Security of *Great Britain*, or to the Views of extending her Dominions by Conqueſt, if all the Succeſſes of the War have been atchieved by the national Arms of *Great-Britain* ALONE, without any Aſſiſtance, or Co-operation of the Plantations, ſtill ought not the Claim againſt the Colonies in Equity, to be mitigated upon Reflection on the Advantages derived from Them, and of their Contribution to the national Revenue for a long Courſe of Years, during which, their Protection put the *Britiſh* Nation to very little, if any particular Expence?

If moreover, *Great Britain* hath an equitable Claim to the Contribution of the Colonies, it ought to be proportioned to their Circumſtances, and They might, ſurely, be indulged with diſcharging it in the moſt eaſy, and ſatisfactory Manner to Themſelves. If Ways and Means convenient, and conciliating would produce their Contribution, as well as oppreſſive and diſguſting Exactions, it is neither conſiſtent with Humanity nor Policy, to purſue the latter—A Power may even exiſt without an actual Exerciſe of it, and it indicates as little good Senſe as good Nature to exerciſe it, only that the Subjects of it may feel the Rod that Rules Them. Moderation may be obſerved, and Equity maintained, at the ſame Time that Superiority is aſſerted, and Authority vindicated, whatever the Apprehenſions of Puſillanimity, or the Inſolence of Uſurpation may ſuggeſt.

What is the annual Sum expected from the Colonies—what Proportion from each—how far do their Abilities extend? Theſe Matters have been without

without doubt, preciſely aſcertained, or eaſily may be, at a Time " when the real, the ſubſtantial, " the commercial Intereſts of *Great-Britain*, are " preferred to every other Conſideration, and it is " ſo well known, that the Trade whence it's " greateſt Wealth is derived, and upon which it's " maritime Power is principally founded, depends " upon a wiſe and proper Uſe of the Colonies," which implies, at leaſt, ſuch an Underſtanding of their Circumſtances, as muſt render it extremely eaſy, to form a reaſonable Eſtimate of their comparative Wealth and the Extent of their Abilities. The Proportion of each Colony, being ſo eaſily aſcertainable at this Period of *uncommon* Knowlege of their Affairs, why has the Courſe obſerved by *former* Miniſters, when Supplies have been expected from *America*, been neglected by the *preſent?* Why was there not the uſual Requiſition communicated to the Provincial Aſſemblies, inſtead of exacting an uncertain and unequal Sum from each Colony, by a Law abruptly paſſed without any previous Default of thoſe who are affected by it?—I ſhall not call it a Law repugnant to their Genius, cancelling their Charters, infringing the moſt valuable Rights and Privileges of *Britiſh* Subjects, derogatory from the Faith and Honour of Government, unjuſt and cruel in it's Principles, rigorous and oppreſſive in the Means provided for it's Execution, and as pernicious in it's Conſequences to the Mother Country, as injurious to the Colonies in it's immediate Operation, but I may call it a rigorous and ſevere Law. It is in vain to attempt a Palliation of this uſeleſs Severity, (uſeleſs I mean to the Purpoſe of raiſing a Revenue) by fallaciouſly pretending that, as all the Colonies were to be taxed, and the Authority of each is limited, the Interpoſition of the Parliament became neceſſary; ſince nothing can be leſs diſput-

able, than that each Colony hath a competent Authority to raiſe it's Proportion, and conſequently nothing is more evident, than that all the Colonies might raiſe the whole.* The Aſſertion that the Colonies would have paid no Regard to any Requiſitions, is raſh and unauthorized, and had the Event actually happened, the Trouble and Loſs of Time to the Miniſters in making the Experiment, would not have been conſiderable or detrimental to the Nation, and after it's Failure, an Act of Parliament might ſtill have been made to compel the Contribution, if the Power which hath been exerciſed is defenſible upon the Principles of the *Britiſh Conſtitution.*

A Meaſure ſo extreme, could hardly be at once purſued, becauſe the Miniſters did not know what to demand, who have made ſo many Regulations in regard to the Colonies, "founded upon Know-"ledge, formed with Judgment, and executed "with Vigour." Had the Requiſitions been communicated, I make no doubt but They would have

* It is aſſerted in the Pamphlet entitled, *The Claim of the Colonies, &c.* that *Maryland* availing herſelf of the Protection of *Virginia* and *Pennſylvania*, contributed *nothing* to the common Defence. This Writer from a View of ſome Map of *North America* imagined, it ſhould ſeem, that *Virginia* and *Pennſylvania* were ſettled ſo as to encompaſs *Maryland*; but the Truth is, that the Frontiers of *Maryland* were as much expoſed, as thoſe of the next Colonies, and the Fact is moreover falſe, for I have been well informed that *Maryland* contributed near 50,000*l.* and incurred beſides a conſiderable Expence, which is now a Debt upon the public Journal of that Colony, by putting her Militia into actual Service; and that an unhappy Diſpute attended with a very heavy provincial Charge, on ſome Topick of Privilege, was the real Cauſe, why the Grants of *Maryland* were not more liberal. After all, there have been Inſtances, I ſpeak not of more modern Times, in which the Parſimony of the Parliament hath been complained of, and the Notion of Privilege carried to a great Length by the Houſe of Commons; but theſe have not been thought ſolid Reaſons for ſtripping their Conſtituents of their Rights.

been

been entertained with Reſpect, and productive of all the Effects that could reaſonably have been expected from Them. A petty *American* Aſſembly would not, in Anſwer to ſuch Requiſitions, have impertinently recommended the Reduction of exorbitant Salaries, the Abatement of extravagant, and the Abolition of illegal Perquiſites, the Extinction of uſeleſs Places, or the diſbanding of undeſerving or ill deſerving Penſioners, as a more proper and beneficial Method of relieving the public Burthens, than a new and heavy Impoſition upon uſeful and induſtrious Subjects.

Have great Things been promiſed for the Eaſe of the People of *England*, and hath a Meaſure been fallen upon, that, by putting the Accompliſhment of them at a Diſtance, and keeping Expectation alive, it may contribute to the Prolongation of a Power, which, in the Interim, will find ſufficient Opportunities to gratify the Views of Miniſterial Avarice or Ambition?

If a Sum had been liquidated, and a preciſe Demand made, it might perhaps have been ſhewn, if proportioned to the Circumſtances of the Colonies, to be of no real Conſequence to the Nation; and, if above their Circumſtances, that it would, with the Oppreſſion of the Plantations, prove ruinous to the *Britiſh* Manufactures; but, whilſt Matters are thus vague, and indeterminate, any Attempt to ſhew that the *Stamp Duties* will be inadequate to the promiſed Relief, diſtreſs the Colonies, and conſequently beggar the *Britiſh* Manufacturers, may be obviated by ſaying, that "the Act is in the Na-
"ture of an Experiment: if inadequate, other
"Methods may be ſuperadded; if inconvenient,
"it may be repealed, as ſoon as diſcovered;" and

Hints may be thrown out at the ſame Time, to cheriſh the Hopes of the Nation, that there are the beſt Grounds to expect * the Meaſure will be productive of all that can be deſired or wiſhed.

The frugal *Republicans* of *North-America* (if the *Britiſh* Inhabitants there are to be diſtinguiſhed by a *Nick-Name*, becauſe it implies that They are Enemies to the Government of *England*, and ought therefore to be regarded with a jealous Eye) may be allowed, without derogating from the vaſt and prodigious Knowledge of a Miniſter, to be acquainted with their own internal Circumſtances better than a Stranger, who muſt depend upon Information; and that too, moſt frequently, of Men not the moſt eminent for their Candour, diſtinguiſhed by their Sagacity, or reſpectable for their Integrity. Had Requiſitions been made, and the Sum demanded been equitable, and proportioned to their Circumſtances, They could have fallen upon Ways and Means leſs oppreſſive than the *Stamp Duties*. They have frequently taxed Themſelves: They have tried various Methods of Taxation: They know, by Experience, the eaſieſt and leaſt expenſive.—The Meaning or Conſtruction of their Levy-Acts is ſettled: They can be carried into Execution, not only at a ſmall Expence, without exhauſting a conſiderable Part of their Produce by the Multiplication of Officers, and their Support; but with-

* It is aſſerted by the Author of *The Claim of the Colonies, &c.* that the Merchants trading to the ſeveral Colonies gave in an Eſtimate of the Debt due to Them from the Colonies, amounting to 4,000,000 *l.* It would have been a real public Service if he had pointed out how this Debt is to be paid under the Oppreſſion of new and heavy Impoſitions, or what will be the proper Remedy if there ſhould be a Stoppage in the Payment of 4,000,000 *l.* a Stagnation of Commerce, and want of Employment to the *Britiſh* Manufacturers.

out heavy Pains and grievous Penalties, without Oppreſſion of the innocent, giving Countenance to Vexation, and Encouragement to profligate Informers, without the Eſtabliſhment of arbitrary and *diſtant* Courts of * Admiralty.

The national Debt is heavy, and it is a popular Scheme to draw from the Colonies a Contribution towards the Relief of the Mother-Country.—The Manner of effecting it is not carefully attended to, or nicely regarded by thoſe who expect to receive the Benefit.—The End is ſo ardently deſired, that, whether the Means might not be more moderate, is not ſcrupulouſly examined by Men, who think Themſelves in no Danger of Injury or Oppreſſion from their Severity. It is affirmed to thoſe who cannot detect the Fallacy of the Aſſertion, that Millions have been expended *ſolely* in the Defence of *America*. They believe it, and thence are eaſily perſuaded that the Claim of a Contribution from the Colonies is juſt and equitable, and that any Meaſure neceſſary to ſecure it, is right and laudable.—It is repreſented, that unleſs the Colonies are ſtripped of the *Trial by Jury*, and Courts of *Admiralty* are eſtabliſhed, in which Judges from *England*, Strangers, without Connection or Intereſt in *America*, removeable at Pleaſure, and ſupported by liberal Salaries, are to preſide; unleſs Informers are encouraged and favoured, and the accuſed moſt rigorouſly dealt by, that the Tax will be eluded—and theſe Severities are excuſed on Account of their ſuppoſed Neceſſity. The Colonies are deſcribed to be a numerous, flouriſhing,

* It was formerly held to be a grievous Oppreſſion, that, inſtead of having Juſtice at Home, the *Engliſh* Subject was drawn to *Rome* by APPEALS; but an *American* is to be drawn from Home, in the FIRST INSTANCE, as well as by Appeals.

and opulent People:—It is alledged that They contribute to the national Expence, by Taxes *there*, only the pitiful Sum of 1900 *l.* per Year, for the Collection of which, an Eſtabliſhment of Officers, attended with the Expence of 7600 *l. per Annum*, is neceſſary.—Upon theſe Premiſſes, the Uneaſineſs of the Colonies, at being forced to bring more into the common Stock, appears to be unreaſonable, if not rebellious; and They ſeem rather to deſerve Reprehenſion and Correction, than Favour and Indulgence.

The Succeſſes of the War were obtained as well by the vigorous Efforts of the *Colonies*, as by the Exertion of *Great-Britain*.—The Faith of *Great-Britain* hath been engaged in the moſt ſolemn Manner, to re-pay the Colonies the Monies levied by internal Taxations for the Support of the War.—Is it conſiſtent with that Faith to tax Them towards ſinking the Debt in Part incurred by that Re-payment? The immenſe Acceſſion of Territory, and Value of the Acquiſitions obtained by the Peace, is the Conſequence of the Succeſſes of the War—The Charge of the War is leſſened by the Advantages reſulting from the Peace—The Colonies, for a long Courſe of Time have largely contributed to the public Revenue, and put *Great-Britain* to little or no Expence for their Protection.—If it were equitable to draw from Them a further Contribution, it does not therefore follow, that it is proper to force it from Them, by the harſh and rigorous Methods eſtabliſhed by the Stamp-Act; an Act unequal and diſproportioned to *their* Circumſtances whom it affects; exempting Opulence, cruſhing Indigence; and tearing from a numerous, loyal, and uſeful People, the Privileges They had, in their Opinion, earned and merited, and juſtly held

held moſt dear. If They are really in Debt, the Payment of it hath not been refuſed, it hath not been demanded.—If one Subject, grown giddy with ſudden Elevation, ſhould, at any future Period, raſhly declare, that the Colonies ſhould be taxed, at all Events, in the moſt rigorous Manner; and that Millions of induſtrious and uſeful Subjects ſhould be grievouſly oppreſſed, rather than himſelf depart from his Character of Pertinacity and Wilfulneſs, check the Impulſe of a tyrannical Diſpoſition, or forego the Gratification of his Vanity, in a wanton Diſplay of Power, Submiſſion would be an admirable Virtue indeed, if not the Effect of Impotence.

That the Contribution ariſing from the *Stamp Duties* is diſproportioned to *their* Circumſtances from whom it is exacted, is manifeſt; for They will produce in each Colony, a greater, or leſs Sum not in Proportion to its Wealth, but to the Multiplicity or Juridical Forms, the Quantity of vacant Land, the Frequency of transferring landed Property, the Extent of Paper Negotiations, the Scarcity of Money, and the Number of Debtors. A larger Sum will be exacted from a Tobacco-Colony than from *Jamaica*; and it will not only be higher in one of the pooreſt Colonies, and the leaſt able to bear it, than in the richeſt; but the principal part of the Revenue will be drawn from the pooreſt Individuals in the pooreſt Colonies, from Mortgagors, Obligors, and Defendants. If this be true, does the Act deſerve the Encomium of being *a Mode of Taxation the eaſieſt, and the moſt equal, a Duty upon Property ſpread lightly over a great Variety of Subjects, and heavy upon none?*

The Commons of Great Britain, moreover, in their Capacity of *Repreſentative*, not only *Give and Grant* the Property of the *Colonies*; but, in my Conſtruction of the Stamp-Act, (however every Reader may examine and judge for himſelf) *Give and Grant* alſo to certain Officers of the Crown, a Power to tax Them higher ſtill; for theſe Officers will not, I preſume, be called *virtual Repreſentatives* too; and what they ſhall think fit to levy, by an ingenious Extent of the Fiction, will not be conſidered as levied with the Conſent of the Colonies—The Inſtances, I believe, are *rare*, in which the Repreſentatives of the People of *England* have delegated to Officers of the Crown, the Power of taxing their Conſtituents, nor hath any Diſtinction yet been advanced to prove, that in their Capacity of *virtual Repreſentatives* of the Colonies, the Houſe of Commons not having the ſame Confidence repoſed in Them, ought to proceed upon peculiar Rules. There was a Statute of *Henry* VIII, by which, I think, the King's Proclamations, with the Conſent of the Privy Council, were to operate as Laws; and another Statute of *Richard* II, that the Power of the Two Houſes ſhould be veſted in Twelve Lords; but theſe Acts bear *no Reſemblance* to the Stamp-Act.

The Stamping Inſtruments are to be retained in *England*.—Vellum, Parchment, and Paper, are to be ſent to *America*, ready ſtamped.—The firſt Commiſſioner of the Treaſury, or the Commiſſioners, or any Three or more of Them, are, by the Act, impowered to ſet *any* Price upon the Vellum, Parchment and Paper, and the Payment of that Price is ſecured and enforced by the *ſame* Pains and Penalties that the Stamp-Duties are.

If

If the Subſtitution of an arbitrary civil Law Court, in the Place of the legal Judicatories, and that deſerved Favourite, the Common-Law-Trial by Jury, would not juſtify the Aſſertion, that the Stamp-Act hath ſtripped the Colonies of the Guards and Securities provided by the Conſtitution againſt Oppreſſion in the Execution of Laws, I would much leſs preſume to ſay, the veſting in the Commiſſioners of the Treaſury a Power to tax the Colonies, will amply juſtify the Aſſertion, that the Stamp-Act hath not left Them even the Shadow of a Privilege.—It is indeed ſomething difficult to imagine how the Order of Democracy, which is as much a Part of the Conſtitution as Monarchy or Ariſtocracy, can exiſt when the People are excluded from a Share in the executing, and a Share in the making of Laws; but that is *not* the preſent Caſe; and, though I may not be able to anſwer a ſpecious Objection, formed upon general Principles, I am not obliged to adopt it, till I am convinced of its Solidity.

A little Examination will find how unfair and deceptive the Repreſentation is, that the Colonies in *North America*, "Two Millions of *Britiſh* Sub-"jects, an opulent, thriving and commercial "People, contribute to the national Expence, no "more than 7 or 800 *l. per Annum* by Taxes raiſed "*there*;" for though it ſhould be acknowledged (which I neither admit nor deny, becauſe I do not know, nor have an Opportunity of coming at the Fact) that the Impoſitions upon the Inhabitants of the Colonies do not raiſe *there*, a greater Sum than hath been ſtated, it doth not follow that "the Inhabitants of the Colonies are indulged at "the Expence of *Great Britain*, and that the "needieſt *Britiſh* Cottager, who out of his ſcanty

" Pittance hardly earned, pays the high Duties " of Cuſtoms and Exciſe in the Price of his Con- " ſumptions, has Reaſon to complain," if immenſe Sums are raiſed upon the Inhabitants of the Colonies *elſewhere*.

By ſuch Artifices and Sophiſtry, is Ignorance miſled, Credulity deceived, and Prejudices excited. Thus Oppreſſion gains the Credit of Equity, Cruelty paſſes for Moderation, and Tyranny for Juſtice; and the Man who deſerves—— Reproach, is celebrated by Adulation, and applauded by Deluſion for his Wiſdom and patriotic Virtues.

The Truth is, that a vaſt Revenue ariſes to the *Britiſh* Nation from Taxes paid by the Colonies in GREAT BRITAIN, and even *the moſt ignorant* Britiſh *Cottager*, not impoſed upon by infamous Miſrepreſentation, muſt perceive, that it is of no Conſequence to his Eaſe and Relief, whether the Duties raiſed upon *America* are paid *there*, and thence afterwards remitted to *Great Britain*, or paid *at firſt* upon the produce of the Colonies in *Great Britain*.

In the Article of Tobacco, for Inſtance, the Planter pays a Tax upon that Produce of his Land and Labour conſumed in *Great Britain*, more than Six Times the clear Sum received by Him for it, beſides the Expences of Freight, Commiſſion and other Charges, and double Freight, Commiſſion and Charges upon the Tobacco re-exported, by which the *Britiſh* Merchants, Mariners and other *Britiſh* Subjects, are ſupported—a Tax, at leaſt, equal to what is paid by any Farmer of *Great Britain*, poſſeſſed of the ſame Degree of Proper-

ty; and moreover the Planter muſt contribute to the Support of the expenſive internal Government of the Colony, in which He * reſides.

Is it objected, that the Duties charged upon Tobacco, fall ultimately upon the Conſumers of this Commodity in the conſequential Price ſet upon it? Be it ſo, and let the Principle be eſtabliſhed that all Taxes upon a Commodity, are paid by the Conſumers of it, and the Conſequence of this Principle be fairly drawn, and equally applied.

The *Britiſh* Conſumers, therefore, ultimately pay the high Duties laid upon Tobacco, in Proportion to the Quantity of that Commodity which They conſume—The Colonies therefore, in Proportion to their Conſumption of *Britiſh* Manufactures, pay alſo the high Duties of Cuſtoms and Exciſe, with which the Manufactures are charged, in the conſequential Price ſet upon their Conſumptions—In their Paſſage moreover, from the *Britiſh* Manufacturers to the *American* Importers, the Commodities go through a great many Hands, by which their Coſts are enhanced; the Factors, the Carriers, the Shop-keepers, the Merchants, the Brokers, the Porters, the Watermen, the Mariners, and others, have their reſpective Profits, from which They derive their Subſiſtence, and the Support of their Families, and are enabled to pay the high Duties of Cuſtoms and Exciſe, in the Price of their * Conſumptions.

The Policy of the late Regulations of the Colonies is of the ſame Character with their Juſtice

* See the Appendix.

and Lenity. The Produce of their Lands, the Earnings of their Induſtry, and the Gains of their Commerce centre in *Great Britain*; ſupport the Artificers, the Manufactories, and Navigation of the Nation, and with Them the *Britiſh* Landholders too.

Great Britain had ALL before, and therefore can have no more from the Colonies; but the Miniſter, in the purſuit of a "well-digeſted, conſiſtent, wiſe and ſalutary Plan of Colonization and Government, a Plan founded upon the Principles of Policy, Commerce and Finance," chuſes to demoliſh at one Blow, all their Privileges as they have underſtood Them, that he may raiſe in *America*, a Part of what was before paid in *Great Britain*. But if the Execution of it, inſtead of improving the Advantages already poſſeſſed, confirming the Bleſſings already enjoyed, and promoting the public Welfare, ſhould happen to diſtreſs the Trade, reduce the Navigation, impoveriſh the Manufacturers, and diminiſh the Value of the Lands in *Great Britain*; ſhould it drive the *Britiſh* Mechanics and Manufacturers to *America*, by depriving Them of their beſt Cuſtomers at Home, and force the Colonies upon Manufactures they are diſabled from purchaſing, other Topics of Eulogy muſt be diſcovered by his ingenious Encomiaſts, than his Wiſdom or his political Atchievements. Upon ſuch an Event, an *American* will have very little Reaſon to exclaim

O! me infelicem, qui nunc demum intelligo
Ut illa mihi profuerint quæ deſpexeram,
Et illa, quæ laudârum, quantum Lucîus habuerint!

The

The Right of Exemption from all Taxes *without their Conſent*, the Colonies claim as *Britiſh* Subjects. They derive this Right from the common Law, which their Charters have declared and confirmed, and They conceive that when ſtripped of this Right, whether by Prerogative or by any other Power, they are at the ſame Time deprived of every Privilege diſtinguiſhing Free-Men from Slaves.

On the other Hand, They acknowledge Themſelves to be ſubordinate to the Mother Country, and that the Authority veſted in the ſupreme Council of the Nation, may be juſtly exerciſed to ſupport and preſerve that Subordination.

Great and juſt Encomiums have been beſtowed upon the Conſtitution of *England*, and their Repreſentative is deſervedly the Favourite of the Inhabitants in *Britain*. But it is not becauſe the ſupreme Council is called *Parliament*, that They boaſt of their Conſtitution of Government; for there is no particular magical Influence from the Combination of the Letters which form the Word; it is becauſe They have a Share in that Council, that They appoint the Members who conſtitute one Branch of it, whoſe Duty and Intereſt it is to conſult their Benefit, and to aſſert their Rights, and who are veſted with an Authority, to prevent any Meaſures taking Effect dangerous to their Liberties, or injurious to their Properties.

But the Inhabitants in the Colonies have no Share in this great Council. None of the Members of it are, or can be of their Appointment, or in any Reſpect dependant upon Them. There is no immediate Connection; on the contrary, there

there may be an Oppoſition of Intereſt; how puerile then is the Declamation, "what will become of the Colonies Birthright, and the glorious Securities which their Forefathers handed down to Them, if the Authority of the *Britiſh* Parliament *to impoſe Taxes* upon Them ſhould be given up? To deny the Authority of the *Britiſh* Legiſlature, is to ſurrender all Claim to a Share in its Councils, and if this were the Tenor of their Charters, a Grant more inſidious or replete with Miſchief, could not be imagined, a Forfeiture of their Rights would be couched under the Appearance of Privilege, *&c.*"

We claim an Exemption from all *Parliamentary* Impoſitions, that We may enjoy thoſe Securities of our Rights and Properties, which We are entitled to by the Conſtitution. For thoſe Securities are derived to the Subject from the Principle *that he is not to be taxed without his own Conſent*, and an Inhabitant in *America* can give his Conſent in no other Manner than in Aſſembly. It is in the Councils that exiſt there, and there *only*, that he hath a Share, and whilſt He enjoys it, his Rights and Privileges are as well ſecured as any Elector's in *England*, who hath a Share in the national Councils there; for the Words *Parliament* and *Aſſembly* are, in this Reſpect, only different Terms to expreſs the ſame Thing.

But it is argued, that "if the Common Law of *England* is to be brought, as juſtifying a Claim of Exemption in any Subject of *Great Britain* from a Parliamentary Tax, it will plead againſt a Tax impoſed by a provincial Aſſembly; for as all the Colony Aſſemblies derive

"their

" their Authority from the meer Grant of the " Crown only, it might be urged that any Tax " impoſed by Them, is impoſed by Authority of " the Prerogative of the Crown, and not by full " Conſent of Parliament. That if this Right in " the Crown is acknowledged to exempt the Sub- " ject from the Juriſdiction of Parliament in the " Caſe of Taxation, its Power to diſpenſe with " Acts of Parliament, or to deprive the ſame " Subject of the Benefit of the common Law, " cannot be denied."

One would be inclined to ſuſpect that it is ſuppoſed, ſomething elſe than Reaſon may on this Occaſion conduce to Perſuaſion.

The *Engliſh* Subjects, who left their *native* Country to ſettle in the Wilderneſs of *America*, had the Privileges of *other Engliſhmen*. They knew their Value, and were deſirous of having Them perpetuated to their Poſterity. They were aware that, as their Conſent whilſt They ſhould reſide in *America*, could neither be aſked nor regularly given in the national Legiſlature, and that if They were to be bound by Laws without Reſtriction, affecting the Property they ſhould earn by the utmoſt Hazard and Fatigue, They would loſe every other Privilege which they had enjoyed in their native Country, and become meer Tenants at Will dependant upon the Moderation of their Lords and Maſters, without any other Security— That as their Settlement was to be made under the Protection of the *Engliſh* Government, They knew, that in Conſequence of their Relation to the Mother-Country, They and their Poſterity would be ſubordinate to the ſupreme national Council,

Council, and expected that Obedience and Protection would be conſidered as reciprocal Duties.

Conſidering Themſelves, and being conſidered in this Light, They entered into a Compact with the Crown, the Baſis of which was, *That their Privileges as* Engliſh *Subjects, ſhould be effectually ſecured to Themſelves, and tranſmitted to their Poſterity.* And as for this Purpoſe, preciſe Declarations and Proviſions formed upon the Principles, and according to the Spirit of the *Engliſh Conſtitution* were neceſſary; CHARTERS were accordingly framed and conferred by the Crown, and accepted by the Settlers, by which all the Doubts and Inconveniences which might have ariſen from the Application of general Principles to a new Subject, were prevented.

By theſe Charters, founded upon the unalienable Rights of the Subject, and upon the moſt ſacred Compact, the Colonies claim a Right of Exemption from Taxes *not impoſed with their Conſent.*—They claim it upon the Principles of the Conſtitution, as once *Engliſh*, and now *Britiſh* Subjects, upon Principles on which their Compact with the Crown was originally founded.

The Origin of other Governments is covered by the Veil of Antiquity, and is differently traced by the Fancies of different Men; but, of the Colonies, the Evidence of it is as clear and unequivocal as of any other Fact.

By theſe declaratory Charters the Inhabitants of the Colonies claim an Exemption from *all* Taxes not impoſed by their own Conſent, and to infer from

from their Objection to a Taxation, to which their Conſent is not, nor can be given, *that They are ſetting up a Right in the Crown to diſpenſe with Acts of Parliament, and to deprive the* Britiſh *Subjects in* America *of the Benefits of the common Law*, is ſo extremely abſurd, that I ſhould be at a Loſs to account for the Appearance of ſo ſtrange an Argument, were I not apprized of the unworthy Arts employed by the Enemies of the Colonies to excite ſtrong Prejudices againſt Them in the Minds of their Brethren at Home, and what groſs Incongruities prejudiced Men are wont to adopt.

Though I am perſuaded that this Reaſoning hath already been ſufficiently refuted, and that no ſenſible and diſpaſſionate Man can perceive any Force in it, yet I cannot help remarking, that it is grounded upon a Principle, which, if it were poſſible for the Examiner to eſtabliſh it, would entitle him to the Applauſe of the Inhabitants in *Great Britain*, as little as to the Thanks of the Colonies.

From what Source do the Peers of *England* derive their Dignity, and the Share They have in the *Britiſh Legiſlature?* Are there no Places in *England* that derive their Power of chuſing Members of Parliament from royal Charters? Will this Writer argue, that the Crown may, by Prerogative, tax the Inhabitants of *Great-Britain*, becauſe the Peers of *England*, and ſome Repreſentatives of the People, exerciſe a legiſlative Authority under royal Patents and Charters? It muſt be admitted that all the Members of the Houſe of Commons are freely choſen by the People, and are not afterwards ſubject to any Influence of the Crown or the Miniſtry: And are not

the Members of the lower Houſes of Aſſembly as freely choſen alſo by the People; and, in Fact, as independent as the Members of the Houſe of Commons? If the Truth were confeſſed, the Objection would not be, *that the Colonies are too dependent upon the Crown*, or that their Claim of Exemption from all Taxes not impoſed by their own Conſent, *is founded upon a Principle leading to Slavery*. At one Time, the *North Americans* are called *Republicans*; at another, *the Aſſertors of Deſpotiſm*. What a ſtrange Animal muſt a *North American* appear to be from theſe Repreſentations to the Generality of *Engliſh* Readers, who have never had an Opportunity to admire, that He may be neither black, nor tawny, may ſpeak the *Engliſh* Language, and, in other Reſpects, ſeem, for all the World, like one of Them!

"The common Law, the great Charter, the "Bill of Rights," are ſo far from "declaring, "with one Voice, that the Inhabitants of the Co-"lonies ſhall be taxed by no other Authority than "that of the *Britiſh Parliament*," that They prove the contrary; for the Principle of the common Law is, *that no Part of their Property ſhall be drawn from* Britiſh *Subjects, without their Conſent, given by thoſe whom They depute to repreſent Them*; and this Principle is enforced by the Declaration of the GREAT CHARTER, and *the Bill of Rights*; neither the one nor the other, introducing any *new* Privilege. In *Great-Britain*, the Conſent of the People is given by the Houſe of Commons: and, as Money had been levied there for the Uſe of the Crown, *by Pretence of Prerogative, without their Conſent*, it was properly declared at the Revolution, in Support of the Conſtitution, and in Vindication of the People's Rights; that the levying

ing of Money, by *Pretence of Prerogative*, without Grant of Parliament, *i. e.* without their Conſent who are to pay it, is illegal, which Declaration was moſt ſuitable to the Occaſion, and effectually eſtabliſhes the very Principle contended for by the Colonies.

The Word *Parliament*, having been made uſe of, the *Letter* of the Declaration is adhered to, and the Conſequence drawn, that no *Britiſh* Subject can be legally taxed, but by the Authority of the *Britiſh Parliament*, againſt the Spirit and Principle of the Declaration, which was aimed only to check and reſtrain the *Prerogative*, and to eſtabliſh the Neceſſity of obtaining *the Conſent* of thoſe on whom Taxes were to be levied. Is not this a new Kind of Logic, to infer from Declarations and Claims, founded upon the neceſſary and eſſential Principle of a free Government, that the People ought not to be taxed without their Conſent, that therefore the Colonies ought to be taxed by an Authority, in which their Conſent is not, nor can be concerned; or, in other Words, to draw an Inference from a Declaration or Claim of Privilege, ſubverſive of the very Principle upon which the Privilege is founded? How aukwardly are the Principles of the Revolution applied by ſome Men! What Aſtoniſhment would the Promoters of that glorious Meaſure, thoſe Patrons and Friends of Liberty, did They now tread the Stage of this World, expreſs, that a *Word*, by which They meant to aſſert the Privileges of the Subject, and reſtrain deſpotic Power, ſhould be relied upon to demoliſh the very Principle by which Themſelves were animated, and after all their Pains and Hazards to eſtabliſh the generous Sentiments of Liberty, that thoſe who feel and enjoy

the Bleſſings of their ſucceſsful Struggles, ſhould not be able to raiſe a Thought beyond the Ideas affixed to ſyſtematic Terms.

It was declared alſo by the *Bill of Rights*, that the Elections of *Members of Parliament* ought to be free, and the common Law laid down the ſame Rule before, which is as applicable to the Election of the Repreſentatives of the Colonies, as of the Commons of *Great Britain*. But with the Help of the Examiner's Logic, it might be proved from the *Letter* of the *Bill of Rights*, that the Elections *only* of *Members* of *Parliament* ought to be free; for the Freedom expreſſed in the Bill of Rights, is as much attached to Elections of Members of Parliament, as the Authority to grant Money is to *the* Britiſh *Parliament*, and if the Declaration in the one Caſe implies a Negative, there is the like Implication in the other. If, moreover, the common Law, the great Charter, and the Bill of Rights, do really, as the Examiner aſſerts, with one Voice declare, that the Inhabitants of the Colonies ought to be taxed *only* by the *Britiſh* Parliament, it is not conſiſtent with that Character of Vigilance, and Jealouſy of their Power, commonly aſcribed to the *Britiſh Parliament*, that, from their firſt regular Settlement to the Reign of *George* III, the *American* Aſſemblies ſhould not only have been ſuffered, without any Animadverſion, without one Reſolve, or even a ſingle Motion to reſtrain Them, to encroach upon the Juriſdiction and Authority of the *Britiſh Parliament*; but that the Parliament ſhould never before the late *Stamp Act*, in one Inſtance, have impoſed an internal Tax upon the Colonies for *the ſingle Purpoſe of Revenue*, and that, even when Acts of Aſſembly paſſed in Conſequence of Miniſterial inforced by royal

royal Requiſitions have been laid before Them, They ſhould be ſo far from objecting to their Validity, as actually to recognize the Authority of the provincial Legiſlatures, and upon that Foundation ſuperſtruct their own Reſolves and Acts.

But though it hath been admitted, that the *Stamp-Act* is the firſt Statute that hath impoſed an internal Tax upon the Colonies *for the ſingle Purpoſe of Revenue*, yet the Advocates for that Law contend, that there are many Inſtances of the Parliament's exerciſing a ſupreme legiſlative Authority over the Colonies, and actually impoſing *internal Taxes* upon their Properties—that the Duties upon any Exports or Imports are internal Taxes—That an Impoſt on a foreign Commodity is as much an internal Tax, as a Duty upon any Production of the Plantations—That no Diſtinction can be ſupported between one Kind of Tax and another, an Authority to impoſe the one extending to the other.

If theſe Things are really as repreſented by the Advocates for the *Stamp* Act, why did * the *Chancellor of the Exchequer* make it a Queſtion for the

* I have preſumed to mention this Fact upon the Authority of private Intelligence, as well as the News Papers, and other Publications; and though the Chancellor of the Exchequer is not named, yet the Fact ſeems in general to be referred to in the Poſtſcript to *the excellent Letter concerning Libels, Warrants, Seizure of Papers, and Security of the Peace*, &c. in the following Words: "Otherwiſe (*i. e.* if it were not right for the Par-
" liament to reſolve general Warrants to be illegal) let me aſk
" how that *momentous* Reſolution touching an *Engliſh* Parlia-
" ment's Right of taxing the Colonies could be juſtified? It
" was an independent ſubſtantive Reſolution, followed by No-
" thing, (*i. e.* that Seſſion) and yet was a Reſolution not only
" of

the Conſideration of the Houſe of Commons, whether the Parliament could impoſe an *internal Tax* in the Colonies or not, for the *ſingle Purpoſe of Revenue?*

It appears to me, that there is a clear and neceſſary Diſtinction between an Act impoſing a Tax for *the ſingle Purpoſe of Revenue*, and thoſe Acts which have been made for the Regulation of Trade, and have produced ſome Revenue *in Conſequence of their Effect* and Operation as *Regulations of Trade.*

The Colonies claim the Privileges of *Britiſh* Subjects—It has been proved to be inconſiſtent with thoſe Privileges, to tax Them *without their own Conſent*, and it hath been demonſtrated that a Tax impoſed by Parliament, is a Tax *without their Conſent.*

The Subordination of the Colonies, and the Authority of the Parliament to preſerve it, have been fully acknowledged. Not only the Welfare, but perhaps the Exiſtence of the Mother Country, as an independent Kingdom, may depend upon her Trade and Navigation, and theſe ſo far upon her Intercourſe with the Colonies, that if this ſhould

" of *extreme Magnitude*, but of the moſt *general* and *higheſt*
" *legal* Nature, involving in it a Deciſion of *the firſt and moſt*
" *fundamental Principles of Liberty, Property, and Government,*
" *and well worthy* alſo, as to the temporary Policy of it, the
" moſt *ſerious* of all Conſideration. This was reſolved too, if I
" am informed right, at the Cloſe of the Night, and the Riſing
" of the Houſe; ſo that every Body muſt have taken it as a
" clear Thing, that They could at any Time come to a Reſo-
" lution upon any general Point of Law, whenever They ſhould
" ſee it *expedient* ſo to do, *ſed Verbum ſapienti ſat eſt.*"

be

be neglected, there would ſoon be an End to that Commerce, whence her greateſt Wealth is derived, and upon which her maritime Power is principally founded. From theſe Conſiderations, the Right of the *Britiſh Parliament* to regulate the Trade of the Colonies, may be juſtly deduced; a Denial of it would contradict the Admiſſion of the Subordination, and of the Authority to preſerve it, reſulting from the Nature of the Relation between the Mother Country and her Colonies. It is a common, and frequently the moſt proper Method to regulate Trade by Duties on Imports and Exports. The Authority of the Mother Country to regulate the Trade of the Colonies, being unqueſtionable, what Regulations are the moſt proper, are to be of Courſe ſubmitted to the Determination of the Parliament; and if an *incidental Revenue* ſhould be produced by ſuch Regulations, theſe are not therefore unwarrantable.

A Right to impoſe an internal Tax on the Colonies, with their Conſent, *for the ſingle Purpoſe of Revenue*, is denied; a Right to regulate their Trade without their Conſent is admitted. The Impoſition of a Duty may, in ſome Inſtances, be the proper Regulation. If the Claims of the Mother Country and the Colonies ſhould ſeem on ſuch an Occaſion to interfere, and the Point of Right to be doubtful, (which I take to be otherwiſe) it is eaſy to gueſs that the Determination will be on the Side of Power, and that the Inferior will be conſtrained to ſubmit *.

The

* In the Reign of our great Deliverer, when the *Engliſh* and the *Dutch* were at War with *France*, They joined in preventing the Northern Powers from carrying on a Trade with the Enemy.

The Writer on the Regulations lately made with Reſpect to the Colonies, who is ſaid to have been *well informed*, aſſerts a Fact, which indiſputably proves, that the Impoſitions mentioned, were *only* Regulations of Trade, and can, with no kind of Propriety, be conſidered in any other Light. The Fact he aſſerts, is, that " the whole Remittance from all the Taxes in the Colonies, at an Average of Thirty Years, has not amounted to 1900 *l.* a Year, and in that Sum, 7 or 800 *l. per Annum* only, have been remitted from *North-America*; and that the Eſtabliſhment of Officers, neceſſary to collect that Revenue, amounts to 7600 *l. per Annum.*"

It would be ridiculous indeed to ſuppoſe, that the Parliament would raiſe a Revenue by Taxes in the Colonies to defray Part of the national Expence, the Collection of which Taxes would increaſe that Expence to a Sum more than three Times the Amount of the Revenue; but, the Impoſitions being conſidered in their true Light, as Regulations of Trade, the Expence ariſing from an Eſtabliſhment neceſſary to carry Them into Execution, is ſo far from being ridiculous, that it may be wiſely incurred.

The Author of the Claim of the Colonies, &c. gives (as hath been obſerved) the Epithets of *un-*

my. M. *Groning* having formed a Deſign, to prove the Right of the Northern Powers to a free Trade and Navigation, communicated his Plan to and deſired the Opinion of Baron *Puffendorff* upon it, who obſerved that as the Queſtion had not been ſettled upon clear and undeniable Principles, and there was a Mixture of Fact and Right, the Confederates might contend that They have a Right to diſtreſs the Enemy, and, as the Means to attain that Purpoſe, to reſtrain the Trade of the Northern Powers, an Argument that with ſuperior Force would be concluſive.

juſt and *partial*, to a Tax which ſhould be impoſed upon the Non-Electors, only in *Britain*; and, in that very Inſtance, proves, that a Tax upon the Non-Electors in the Colonies, is more unjuſt and partial, and yet undertakes to defend the Juſtice of it; and the Writer on the Regulations of the Colonies declares, that it is in vain to call the Acts He has cited as Precedents, by the Name of mere Regulations, notwithſtanding He hath irrefragably proved, that They are ridiculous, if conſidered in any other Light. (See *The Regulations of the Colonies*, &c. * pag. 105—57, and *The Claim of the Colonies*, &c. pag. 28, 29, 30.)

Though I conceive that the Diſtinction which hath been ſuggeſted, is ſufficiently evident, and that the Argument from Precedents hath been refuted, yet, as there have been two or three Inſtances particularly enforced and relied upon, I muſt beg the Reader's Patience whilſt I examine Them ſeparately, without undertaking the Taſk to remove every Incongruity to be found in the Writings of the Enemies of *America* on this Occaſion; for it would require an *Hercules* to cleanſe the Stable.

The 5th *Geo.* II. it is alledged, "*abrogates ſo* "*much of the Common Law as relates to Deſcents* "*of Freeholds in* America, *takes from the Son the* "*Right of Inheritance in the Lands the Crown had* "*granted to the Father*, and his Heirs in abſolute

* A grave Anſwer to a little pert Pamphlet, called *the Objections to the* Taxation, *&c.* would be too ludicrous. When the Author talks of Orders to be obſerved under Pains and Penalties, he uſes the awful Style of a L———d of T———; but it was too conſtrained for him to ſupport, and he therefore very naturally relapſed into the Character of a Jack-Pudding. He had very little Reaſon to apprehend that *Locke*, *Sidney*, or *Selden*, would be called upon to pull off his—Cap.

" Fee, makes them Aſſets, and applies Them to " the Payment of Debts and Accounts contracted " by the Father *without the Participation of the* " *Son*; it *ſets aſide* the Sort of Evidence required " by the Common Law, and *eſtabliſhed by every* " *Court of Juſtice in* America, in Proof of a Debt, " and enjoins the Admiſſion of an *ex Parte Affi-* " *davit*. The Power of Parliament having been " exerciſed *to take away the Lands of the People in* " America, the moſt *ſacred* Part of any Man's " Property, and *diſpoſing of Them for the Uſe of* " *private Perſons Inhabitants of* Great-Britain, who " can queſtion," ſays the Examiner, " the Parlia- " ment's Right to take away a *ſmall* Part of the " Products of thoſe Lands, and apply it to the " *public Service?*"

It is very obſervable, that in applying this Statute, a Language is made uſe of, which gives the Idea of Violence; and it muſt be confeſſed, that great Aggravation of Features, and ſtrong Colouring, were neceſſary, to make it in any Degree reſemble the Impoſitions of the *Stamp-Act*.

It would be uſeleſs, as well as tedious, to point out every Miſrepreſentation in this Application, ſince that it will be effectually done, by briefly ſhewing the Effect of the 5th *Geo.* II. and ſuggeſting the Occaſion of making that Statute.

Lands, Negroes, *&c.* in the Plantations, are made Aſſets for the Satisfaction of all Debts owing to his Majeſty, or *any of his Subjects*, in like Manner as Real Eſtates are, by the Law of *England* liable to the Satisfaction of Debts due by Specialty.

If

If the Creditor reſides in *Great-Britain*, the Affidavits of his Witneſſes taken there, are to be allowed as Evidence, and to have the ſame Force their Teſtimony would have, if given, *vivâ Voce*, in open Court.

The Evidence mentioned in the Statute, prevailed in moſt, if not all the Colonies, before the Statute, and Lands were alſo liable to the Satisfaction of all Debts in moſt Inſtances, by the Method practiſed alſo in the Court of Chancery in *England*, of marſhalling Aſſets. In ſome of the Colonies, without this Circuity, Lands were immediately liable to ſimple Contract Debts.

Independent of the Statute, when the Creditor obtains a Judgment againſt his Debtor, *all* his Lands, *&c.* over which he has a *diſpoſing* Power, are liable, and, ſince the Statute, only *ſuch* Lands, *&c.* are Aſſets, as the Debtor had a Power to diſpoſe of. It appears then, that all the Effect of the Statute on this Head, is to ſubject Real Eſtates to the Payment of Debts *after* the Death of the Debtor, (for the moſt Part, the Caſe before the Statute) which might have been made Subject *before* his Death.

In many of the Colonies, the provincial Creditors of the deceaſed Debtors, were preferred to the *Britiſh*, in the ſame Degree, by Acts of Aſſembly which carried the Appearance of Partiality; tho' in Fact, the Effect of the Laws of *England* gave riſe to Them; for, upon Bankruptcies in *Great-Britain*, the Steps required by the Statutes to entitle Creditors to a Satisfaction, effectually exclude Colony-Creditors in moſt Caſes, and their Diſtance, when their Debtors die in *Great-Britain*, where Colony Creditors have not ſtanding Agents as the

Merchants have in the Plantations, and there happens a Deficiency of Aſſets, ſhuts them out likewiſe from all Chance of Satisfaction in the uſual Scramble among Creditors for the Debtor's Eſtate on ſuch Events.

In ſome of the Colonies They changed, by Acts of Aſſembly, certain Species of perſonal Property, *e. g.* Negroes, into the Nature of real Eſtates, by making Them deſcendible; and, by this Alteration of the Common Law, and Confuſion of the former Diſtinction of Property, very conſiderably diminiſhed the perſonal Fund, liable to *all* Debts.

As theſe Circumſtances were repreſented and believed to be great Diſcouragements to the Trade of the Mother Country, after repeated Requiſitions to provide a Remedy in the Colonies, in which the Grievance was moſt ſenſibly felt, had been diſregarded, the Statute was finally made.

This was, without Doubt, a Subject upon which the Superintendence of the Mother-Country might be juſtly exerciſed; it being relative to her Trade and Navigation, upon which her Wealth and her Power depend, and the Preſervation of her Superiority, and the Subordination of the Colonies, are ſecured, and therefore is comprehended in the Diſtinction.

After citing, and applying this Statute, the Examiner takes Occaſion to inſult a Gentleman of a moſt amiable and reſpectable Character, becauſe he preſumed, it ſeems, to queſtion the Univerſality of Parliamentary Power, and appears to be ſo totally occupied in the Buſineſs of Defamation, as not to be aware of his running into the moſt egregious

gious Inconſiſtencies. If the Examiner is a Lawyer, he has betrayed the moſt ſhameful Ignorance; if an Agent, the moſt infamous Unfaithfulneſs. Had the *American Chief Juſtice* acted in *England*, as too many of his Countrymen have done—Had He paid his Court to Power, by mean Compliances, and endeavoured to recommend himſelf, by inventing Accuſations againſt the Colonies, by repreſenting the Inhabitants in Them, as a refractory, diſloyal, and rebellious People, and by propoſing Schemes for their Depreſſion—Had he not firmly maintained his Character of Honour and Probity, we ſhould not have ſeen this Impeachment of his Underſtanding; but he left the Taſk of Proſtitution to the Man of ſordid Views,

Ille ſuperbos Aditus Regum,
Duraſq; fores, expers Somni
Colat———

"Had the Colonies," ſays the Examiner, "agreed to the Impoſition of the Stamp-Duties, "a Precedent would have been eſtabliſhed for "their being conſulted, before any Impoſition "upon Them by Parliament would hereafter take "Place." He intimates that They were adviſed by ſome of their Agents to take this Courſe: If ſuch Advice hath been given, it was weak or inſidious, and the Agents, who recommended the Meaſure, ought to be removed for their Incapacity or their Treachery.

How would the Precedent have been eſtabliſhed, or, if it had, what would have been the Advantage? This Conduct would have admitted, that the Colonies might be taxed at any Time, and in any Manner, without their Conſent; and conſe-

conſequently, would at once have been an effectual Surrender of all their Privileges as *Britiſh* Subjects.

If Precedents were to be regarded, when a Tax in *America*, for the *ſingle Purpoſe of Revenue* is required, they are not wanting. Upon ſuch Occaſions, the Courſe hath always, and uniformly been, 'till the Impoſition of the Stamp-Duties, to tranſmit Requiſitions to the Colonies; and, if the Inſtance cited by the Examiner, is in any Degree pertinent, he has ſhewn in his Appendix, that the Method of Requiſition was in *that* purſued; for, the Lords of Trade, in their Report, expreſsly mention the Refuſal of the Colonies to comply with the Requiſitions tranſmitted to them, to remove the Grievance complained of.

The Clauſe in the Mutiny Act during the late War is alſo relied upon, but with how much Propriety, few Words will evince.

The Acts of Aſſembly of each Colony, could have no obligatory Force beyond the Limits of each; but the Service of the Colony Troops, was not confined within the ſame Colony in which They were raiſed; it is therefore evident that the Provincial Legiſlatures had not an Authority adequate to the great Object of the military Operations in *America*, which was not merely the Defence of the Plantations, by Meaſures executed within their Boundaries, but the Enemy was attacked in his own Country, and for this Purpoſe the *Britiſh* and *American* Troops acted conjunctly. On this Occaſion it was not only convenient, that the Troops employed in the ſame Service, ſhould be ſubject to the ſame Diſcipline, but it was indiſpenſably

penſably neceſſary that this Diſcipline ſhould be eſtabliſhed by *Act of Parliament*, the Authority of *Provincial Legiſlatures* being deemed to be incompetent. And it is to be remarked, moreover, that the Provincial Troops were raiſed and paid by the Colonies, and that it was in the Power of their Aſſemblies, a Power exerciſed by ſome of Them, to diſband or reduce Them when They pleaſed, and therefore their ſupporting and keeping them up, was an effectual Conſent to the Act of Parliament; but, as hath been ſhewn, an internal Tax may be as compleatly and adequately laid in every Colony, by the Authority of the *reſpective Aſſemblies*, as by the *Britiſh Parliament*, and therefore there is not the ſame Neceſſity for the Interpoſition of the Mother Country in this, as in the other Inſtance, and the Colonies with Reference to the Stamp-Act, are not called upon to do any Act expreſſive of their Aſſent to it, nor is it in their Power to hinder it's taking Effect in the fulleſt Extent.

The Act for *the Eſtabliſhment of a Poſt-Office in the Colonies* (9 *Anne*, c. 10.) comes the neareſt to the Subject of any Regulation that hath been mentioned; but yet it is materially diſtinguiſhable from the Stamp-Act. For the ſame Reaſon that an Act of Parliament was neceſſary to ſecure the Diſcipline of the Provincial Troops, acting in Conjunction with the *Britiſh* Forces, during the late War, the Authority of Parliament might be proper for the general Eſtabliſhment of a regular Poſt-Office; for as the Laws of each Colony are in their Operation confined within the Limits of each, prohibitory and compulſive Clauſes to inforce a general Obſervance, without which the Eſtabliſhment would fail, might be eluded. If a Man ſhould maliciouſly give a Wound in one Colony, and the wounded

wounded Perſon die in another, the Offender could not be convicted of Murder, becauſe the whole Fact conſtituting that Crime, would not be cognizable in the Colony where the Wound was given, or the Death happened; and the ſame Principle is applicable to every other inferior Offence, and intimates in what Manner prohibitory Clauſes might be evaded. This Matter therefore of the Poſt-Office, may be referred to the general Superintending Authority of the Mother-Country, the Power of the Provincial Legiſlatures being too ſtinted to reach it. In this View, and upon the Conſideration of the general Convenience and Accommodation ariſing from the Eſtabliſhment, the People of *America* have not complained of it, but if this Inſtance were more pertinent than it is, it would only prove what hath been too often proved before—When Men do not ſuſpect any Deſigns to invade their Rights, and ſubdolous Steps taken to that End, are productive of immediate Convenience without pointing out their deſtructive Tendency, They are frequently involved in Ruin before they are aware of Danger, or that the Conduct flowing from the Negligence of innocent Intentions, may afford an Handle to Men of different Diſpoſitions, for the Commiſſion of Oppreſſion—Of the Truth of theſe Obſervations the Hiſtories of all People who have once been bleſſed with Freedom, and have loſt it, exhibit abundant Examples.

When Inſtances are urged as an authoritative Reaſon for adopting a new Meaſure, They are proved to be more important from this Uſe of Them, and ought therefore to be reviewed with Accuracy, and canvaſſed with Strictneſs. What is propoſed ought to be incorporated with what hath been done, and the Reſult of both ſtated

and conſidered as a ſubſtantive original Queſtion, and if the Meaſure propoſed is incompatible with the conſtitutional Rights of the Subject, it is ſo far from being a rational Argument, that Conſiſtency requires an Adoption of the propoſed Meaſure, that, on the contrary, it ſuggeſts the ſtrongeſt Motive for aboliſhing the Precedent: when therefore an inſtance of *Deviation* from the Conſtitution is preſſed as a Reaſon for the *Eſtabliſhment* of a Meaſure ſtriking at the very Root of all Liberty; though the Argument is inconcluſive, it ought to be uſeful.

Wherefore if a ſufficient Anſwer were not given to the Argument drawn from Precedents, by ſhewing that none of the Inſtances adduced are applicable, I ſhould have very little Difficulty in denying the Juſtice of the Principle on which it is founded. What hath been done, if wrongful, confers no Right to repeat it. To juſtify Oppreſſion and Outrage, by Inſtances of their Commiſſion, is a kind of Argument which never can produce Conviction, though it may *their* Acquieſcence, whom the Terror of greater Evils may reſtrain from reſiſting, and thus the Deſpotiſm of the Eaſt may be ſupported, and the natural Rights of Mankind be trampled under Feet. The Queſtion of Right, therefore, doth not depend upon Precedents, but on the Principles of the Conſtitution, and hath been put upon it's proper Point already diſcuſſed, whether the Colonies are repreſented, or not, in Parliament.

As the Name of *Hampden* occurred to the Examiner in his Deſign of caſting an oblique Reflection upon the Colonies, it is ſurpriſing he did not recollect, that very numerous Precedents have

 been

been applied in the Defence of an arbitrary and oppreſſive Proceeding, deſtructive of the eſſential Principle of *Engliſh* Liberty. But though meer Acts of Power prove no Right, yet the real Opinion entertained of it, may be inferred from Forbearance; for Mankind are generally ſo fond of Power, that they are oftner tempted to exerciſe it beyond the Limits of Juſtice, than induced to ſet Bounds to it from the pure Conſideration of the Rectitude of Forbearance. Wherefore if I had denied the Principle of this Kind of Reaſoning, without ſhewing the Defects of the artificial painted Precedents which have been produced, I might ſtill very conſiſtently urge, that, the repeated and uniform Requiſitions of the *Engliſh* Miniſters, as often as Occaſions for the *ſingle Purpoſe of Revenue* have happened, tranſmitted to the Colonies to tax Themſelves by Provincial Acts, and the Acts of Parliament regulating the Trade of the Plantations, as well as of *Ireland*, without one Inſtance, before the Stamp-Act, of a Tax impoſed by Parliament upon either, for the *unmixed* Purpoſe of Revenue, prove, that the Impoſition of a Tax upon them without their Conſent, hath conſtantly been held to be inconſiſtent with their Conſtitutional Rights and Privileges. I have joined *Ireland* with the Colonies, and preſume it will hardly be contended that *Ireland*, over which the Courts of Juſtice in *England* have a ſuperintendant Power, is not, at leaſt, as ſubject to *Great-Britain* as the Colonies are.

A moſt extraordinary Reaſon hath been given, why the Method of Requiſition would have been improper, *viz.* that " the Sums raiſed muſt be " paid unto the Exchequer, and if levied by the " Provincial Aſſemblies, the Parliament would " have no Right to enquire into the Expenditure " of

" of them." This is ſo extremely futile, that it would be almoſt abſurd to beſtow a ſerious Refutation upon it.

Why muſt the Sums raiſed be paid into the Exchequer? If the Intention is to apply them in the Colonies to any internal Purpoſe, why muſt they be remitted to *Great-Britain?* If Armies are to be kept up in *America*, to defend the Colonies againſt *Themſelves*, (for it can hardly be imagined that Troops are neceſſary for their Protection againſt any foreign Enemy) or are to be employed in the national Service of Cropping the Ears, and Slitting the Noſtrils of the Civil Magiſtrates, as Marks of Diſtinction *, why muſt the Money be paid into the Exchequer? Or, if it ſhould be paid into the Exchequer, in order to be applied towards ſinking the national Debt, why might not the Parliament enquire into the Application of it? Does the Examiner, in his Idea of the Parliament, figure to himſelf a Monſter with an Hand that can reach to the utmoſt Verge of the *Britiſh* Dominions, and clutch and cruſh Millions of Subjects at a Gripe; but, when the Object is near, apt to be rendered, by ſome magical influence, ſo ſhort, and ſo feeble, as not to be able to reach the *Exchequer*, or to ſqueeze the *Chancellor* of it?

We are aſſured that there never can be any irregular " Attempts of the Prerogative upon our " Rights, whilſt we are bleſſed with a Prince of the " glorious Line of *Brunſwick* upon the Throne of " *Great-Britain.*" I have all the confidence in the excellent Diſpoſitions of our preſent moſt gracious Sovereign that an *Engliſhman* ought to have, but I can't penetrate into Futurity; and, as the

* See the Narrative of the Outrages committed by the Soldiery, on Mr. Juſtice *Walker* in *Canada*.

Examiner hath not yet eſtabliſhed the Character of a Prophet, I muſt conſider this Aſſertion rather as a curious Specimen of Lip-Loyalty, I will not call it extravagant Adulation, than as a ſober Recommendation, to ſurrender all thoſe Guards and Securities of Liberty, which the Conſtitution of a Free Government hath provided; but, if the *Britiſh Americans* ſhould ever be reduced to the unhappy Neceſſity of giving up their Natural Rights, and their Civil Privileges, I believe They would as ſoon make the Surrender to a Prince of the *Line of Brunſwick*, as to any other Mortal, or Number of Mortals, in the Univerſe.

We have ſeen too a Piece in ſome of our late News-Papers, all bedawbed with the Lace of Compliment.——There is no End to human Ambition! It is perpetually reſtleſs, and puſhing forward. If a little P—ct—r † is raiſed to the Title of Excellency, and the Rank of a Kind of Viceroy, there is ſtill a Summit beyond the Eminence to which he hath been elevated, that he is ſollicitous to gain.

It hath been truly ſaid, that "it will be no eaſy "Taſk to perſuade the *Americans* to forſake the "Culture of their Lands, to leave the Ways their "Fathers trod, and in which Themſelves were "trained, to drop a Buſineſs they already under-"ſtand, in which they have had long Experience, "and by which their Families have thriven, to "change all their Habits of Thinking, and their "Manner of Life, in order to apply to Arts "which they do not know, or know but imper-

† A late notable Speech puts me in Mind of the Ingenuity of the Female Diſputant, who uſed to ſilence Debate, by crying out, *God bleſs the King, and what have you to ſay to that?*

"fectly,

" fectly, and that where Eſtates may be eaſily " raiſed by mere Tillage, the Temptations to " Manufacture are wanting, and Men, who can " depend upon their Induſtry alone, will not have " Recourſe to Arts for Subſiſtence." But that which Perſuaſion might not effect, and to which peculiar Circumſtances might be adverſe, Neceſſity, and an Alteration of thoſe Circumſtances, may accompliſh. When the Alternative is propoſed, and the one Part of it aſſures Succeſs, and a comfortable Support by a moderate Application of Induſtry, familiarized by Uſe, and rendered eaſy by Practice; and the other affording only an Experiment of precarious Iſſue, calling for an Application unexperienced and dreaded, attended with Perplexity, and productive of irkſome Anxiety, the Generality of Mankind would not heſitate in chuſing the former. But, though it would gain the Preference of Choice, yet, if the Alternative is taken away, and Choice yields to Neceſſity, the Enterprizing will form Projects, the Judicious improve, the Induſtrious execute them. Succeſs in one Inſtance, will animate the timid to make Trial of the Means which have ſucceeded under the Direction of others, ſtimulate the Phlegmatic, and rouſe the Indolent—Should the Neceſſity, after a little Time, ceaſe, new Habits may become as ſtrong as the old, and the Alternative would therefore be altered, the Choice be an Act of Deliberation, rather than of blind Impulſe; old Prejudices would be greatly abated, if not extinguiſhed, new Attachments, perhaps, be formed. From this Change, different Conſequences may be conjectured or foretold, and perhaps the moſt Confident might be diſappointed by the Event. It is not ſo difficult for Men to ſtrike into new Employments and Methods of Life,

when impelled by the Urgency of Diſtreſs, not ſo eaſy to call them back to their old Manner of Life, and divert them from new Purſuits experienced to be profitable, and *productive of the beſt Security againſt Oppreſſion*, as ſome ſeem to apprehend.

It is not contended that the Colonies ought to be indulged in a general Liberty of Exporting and Importing every Thing in what Manner they pleaſe; but, ſince they are hindered from making all the Advantages they might do, and what Advantages might they not make, if under no Checks? They have a good Plea againſt all Rigour and Severity, not abſolutely neceſſary. That *Britiſh* Manufactures come dearer, and not ſo good in Quality to *America*, as formerly, is a very general Complaint; and what Effect it may have, ſhould they ſtill grow dearer and worſe in Quality, or the Colonies be rendered leſs able to conſume them, is a Conſideration which concerns *Great-Britain*, at leaſt as much as the Colonies. An Increaſe of Price, and falling in the Goodneſs of Quality, is the uſual Effect of Monopolies; there is no Danger of Foreigners taking Advantage of this Circumſtance in *America*, whatever they may do in other Countries; but the Induſtry it may give Riſe to in *America*, when other Circumſtances concur, is not difficult to be foreſeen.

It muſt be acknowledged, that the Balance of Trade between *Great-Britain* and her Colonies, is conſiderably againſt the latter, and that no Gold or Silver Mines have yet been diſcovered in the old *American* Settlements, or among the *Treaſures* of the new Acquiſitions. How then is this Balance to be diſcharged? The former Trade of the Co-

Colonies, which enabled them to keep up their Credit with *Great-Britain*, by applying the Balance they gained againſt Foreigners, is now ſo fettered with Difficulties, as to be almoſt prohibited. In order therefore to reduce the Balance againſt them upon the Trade between the Colonies and *Great-Britain*, this Trade muſt be contracted, ſo as to bring the Scales to an Equilibrium, or a Debt will be incurred that cannot be paid off, which will diſtreſs the Creditor as well as the Debtor, by the Inſolvency of the latter. The Income alſo of the Colonies, which was before inveſted in their Trade, will be diminiſhed in Proportion to the Produce of the Stamp-Act, and therefore the Amount of that Produce muſt be drawn out, which will create a further Reduction of the Trade.

I confeſs that I am one of thoſe who do not perceive the Policy in laying Difficulties and Obſtructions upon the gainful Trade of the Colonies with Foreigners, or that it even makes any real Difference to the *Engliſh* Nation, whether the Merchants who carry it on with Commodities *Great-Britain* will not purchaſe, reſide in *Philadelphia*, *New-York*, or *Boſton*, *London*, *Briſtol*, or *Liverpool*, when the Balance gained by the *American* Merchant in the Purſuit of that Trade centers in *Great-Britain*, and is applied to the Diſcharge of a Debt contracted by the Conſumption of *Britiſh* Manufactures in the Colonies, and in this to the Support of the national Expence.

If in Conſequence of the Obſtructions, or Regulations as they are called, of their Commerce, and the Impoſition of Taxes upon their Properties, the Colonies ſhould only be driven to obſerve

ſerve the ſtricteſt Maxims of Frugality, the Conſequence would rather be diſagreeable than hurtful ——Should they be forced to uſe new Methods of Induſtry, and to have Recourſe to Arts for a Supply of Neceſſaries, the Difficulty in Succeeding would prove leſs than the Apprehenſion of Miſcarrying, and the Benefit greater than the Hope of it. There are few People of the higheſt, and even of the middle Rank, but would, upon a ſtrict Scrutiny into their ordinary Diſburſements, diſcover ſome Articles that would admit of Defalcation.

A prudent Man, conſtrained to abridge his Outgoings, will conſider what Articles of Expence may be retrenched or given up, without Diſtreſs or Diſcomfort; and if, after this ſaving, he ſtill finds that his Expences exceed his Income, he will then conſider of what Articles he can provide a Supply by the Application of domeſtic Induſtry, or whether ſome tolerable Subſtitute may not be fallen upon to anſwer the Purpoſe of what he can neither buy, nor hath Skill or Ability to fabricate. He will reflect that the Expedient which is at firſt but an indifferent Shift, Uſe and Experience will improve into Convenience, that Practice will confer Knowledge and Skill, and theſe Facility and Satisfaction; and though the Progreſs ſhould be ſlow and gradual, Habit will grow with it, and produce Reconcilement and Content.

What are called in *North-America*, Luxuries, ought for the moſt Part to be ranked among the Comforts and Decencies of Life, but theſe will not be relinquiſhed, if a Supply of Neceſſaries may be provided by domeſtic Induſtry——For Food,

Food, thank GOD, They do not, and for Raiment They need not, depend upon *Great-Britain*.

Any thin Covering in the Summer to preſerve Decency, and ſubſtantial Cloathing in the Winter to repel the Cold, are ſufficient for domeſtic Servants and Labourers, and theſe may be provided without any Remora to the Buſineſs of Tillage, for there are many Intervals in which it is ſuſpended. There are Times too, when the Employment is ſo ſlight as to be rather a moderate Exerciſe, than a laborious Taſk, when the Work that is done might be performed by half the Number of Labourers without exceſſive Exertion, or exhauſting Fatigue. There are beſides in moſt Families thoſe, whom the Feebleneſs of immature Years, or their Sex, at particular Periods, or the Decrepitude of old Age, diſcharge from the Duties of Tillage. Leather, and Wool, and Cotton, and Flax, are at Hand: How eaſy then is the neceſſary Cloathing provided for thoſe whoſe Station does not require any Attention or Regard to Faſhion, or Elegance? ſo eaſy, that many have already gone into this Manufacture without any other Impulſe, than the Spirit of Induſtry, which cannot bear Inaction, though the Savings on this Head have afterwards been neglected. In this very conſiderable Branch ſo little Difficulty is there, that a Beginning is Half the Work. The Path is beaten, there is no Danger of loſing the Way, there are Directors to guide every Step. But why ſhould they ſtop at the Point of cloathing Labourers, why not proceed, when Vigour and Strength will increaſe with the Progreſſion, to cloath the Planters? When the firſt Stage is arrived at, the Spirits will be recruited, and the ſecond ſhould be undertaken with Alacrity, ſince it

may be performed with Eaſe. In this too, the Experiment hath been made and hath ſucceeded. Let the Manufacture of *America* be the Symbol of Dignity, the Badge of Virtue, and it will ſoon break the Fetters of Diſtreſs. A Garment of Linſey-Woolſey, when made the Diſtinction of real Patriotiſm, is more honourable and attractive of Reſpect and Veneration, than all the Pageantry, and the Robes, and the Plumes, and the Diadem of an Emperor without it. Let the Emulation be not in the Richneſs and Variety of foreign Productions, but in the Improvement and Perfection of our own—Let it be demonſtrated that the Subjects of the *Britiſh* Empire in *Europe* and *America* are the ſame, that the Hardſhips of the latter will ever recoil upon the † former.

In Theory it is ſuppoſed that each is equally important to the other, that all partake of the Adverſity and Depreſſion of any. The Theory is juſt, and Time will certainly eſtabliſh it; but if another Principle ſhould be ever hereafter adopted in Practice, and a Violation deliberate, cruel, ungrateful, and attended with every Circumſtance of Provocation, be offered to our fundamental Rights, why ſhould we leave it to the ſlow Advances of Time

† Upon a Surmiſe that a certain noble L—d, was the Author of ſome Hardſhips inflicted upon the Colonies, a reproachful and miſchievous Diſtinction hath been made by ſome People, between the Natives of *S—t——d*, and of *E—g——d* and *America*, which every judicious Friend of the Colonies muſt wiſh to ſee aboliſhed, and an *Union* rather eſtabliſhed than Diviſions promoted. Every Man who has his all, and the Welfare of his Poſterity at Stake, upon the Proſperity of *America*, at he hath an Intereſt in common with the Natives of it, ought to be conſidered as an *American*.——It is an effectual Way to make Men Adverſaries, to call and treat Them as ſuch——Beſides, laying aſide this Conſideration, the Diſtinction is extremely

Time (which may be the great Hope and Reliance, probably, of the Authors of the Injury, whoſe View it may be to accompliſh their Selfiſh Purpoſes in the Interval) to prove what might be demonſtrated immediately. — Inſtead of moping, and puling and whining to excite Compaſſion; in ſuch a Situation we ought with Spirit, and Vigour, and Alacrity, to bid Defiance to Tyranny, by expoſing its Impotence, by making it as contemptible, as it would be deteſtable. By a vigorous Application to Manufactures, the Conſequence of Oppreſſion in the Colonies to the Inhabitants of *Great-Britain*, would ſtrike Home, and immediately. None would miſtake it. Craft and Subtilty would not be able to impoſe on the moſt ignorant and credulous; for if any ſhould be ſo weak of Sight as not to See, they would not be ſo callous as not to Feel it.—Such Conduct would be the moſt dutiful and beneficial to the Mother Country. It would point out the Diſtemper when the Remedy might be eaſy, and a Cure at once effected by a ſimple Alteration of Regimen.

Of this Meaſure ſhould there be Apprehenſions, and Miniſterial Orators and Panegyriſts endeavour

tremely unjuſt; for though there is too much Reaſon to believe that ſome Natives of *America*, and of *E—g——d*, who have reſided in the Colonies, have been inſtrumental in bringing upon Us the Severities We deplore, yet hath it never been even ſurmiſed, I ſpeak it to their Honour, that any Native of *S—t—d* reſiding, or that ever did reſide in *America*, had in any Degree a Hand in them. It is much to be feared, if the Breach which a too eager Proſecution of the little Views of Party, hath made among the Inhabitants of a Colony heretofore the moſt diſtinguiſhed for Prudence and Unanimity, ſhould not be cloſed, in Conſideration of the General Calamity, that *America* as well as *Denmark*, will furniſh an Inſtance of the exceſſive Temerity of political Animoſity.

to obviate them by obſerving, that "it would "always be eaſy to reinſtate Things where they "were, and that by eaſing the Colonies of their "Burthens, and giving Encouragement to their "Produce, the Eſtabliſhment of any Manufac-"ture in *America* might be prevented:" We ſhould mark well this Reaſoning, and avail ourſelves of the Inſtruction given by our Enemies, which would point out to Us the Remedy, and the more ſpeedy the Application of it the better, and that would depend upon ourſelves.

Beſides the Urgency of ſuch an Occaſion (ſhould it happen) there would be another powerful Inducement to this ſimple, natural eaſy Method—The good or bad Succeſs of one Attempt to oppreſs, generally produces or prevents future Impoſitions. In common Life a Tameneſs in bearing a Deprivation of Part of a Man's Property, encourages Rapacity to ſeize the reſt.

Any Oppreſſion of the Colonies, would intimate an Opinion of them I am perſuaded they do not deſerve, and their Security as well as Honour ought to engage them to confute. When Contempt is mixed with Injuſtice, and Inſult with Violence, which is the Caſe when an Injury is done to him who hath the Means of Redreſs in his Power; if the injured hath one inflammable Grain of Honour in his Breaſt, his Reſentment will invigorate his Purſuit of Reparation, and animate his Efforts to obtain an effectual Security againſt a Repetition of the Outrage.

If the Caſe ſuppoſed ſhould really happen, the Reſentment I ſhould recommend would be a legal, orderly, and prudent Reſentment, to be expreſſed

in

in a zealous and vigorous * Induſtry, in an immediate Uſe and unabating Application of the Advantages we derive from our Situation—a Reſentment which could not fail to produce Effects as beneficial to the Mother Country as to the Colonies, and which a Regard to her Welfare as well as our own, ought to inſpire us with on ſuch an Occaſion.

The General Aſſemblies would not, I ſuppoſe, have it in their Power to encourage by Laws, the Proſecution of this beneficial, this neceſſary Meaſure; but they might promote it almoſt as effectually by their Example. I have in my younger Days ſeen fine Sights, and been captivated by their dazzling Pomp and glittering Splendor; but the Sight of our Repreſentatives, all adorned in compleat Dreſſes of their own Leather, and Flax, and Wool, manufactured by the Art and Induſtry of the Inhabitants of *Virginia*, would excite, not the Gaze of Admiration, the Flutter of an agitated Imagination, or the momentary Amuſement of a tranſient Scene, but a calm, ſolid, heart-felt Delight. Such a Sight would give Me more Pleaſure than the moſt ſplendid and magnificent Spectacle the moſt exquiſite Taſte ever painted, the richeſt Fancy ever imagined, realized to the View —as much more Pleaſure as a good Mind would receive from the Contemplation of Virtue, than

* The ingenious Mr. *Hume* obſerves in his Hiſtory of *James* I, that the *Engliſh* fine Cloth was in ſo little Credit even at Home, that the King was obliged to ſeek Expedients by which he might engage the People of Faſhion to wear it, and the Manufacture of fine Linen was totally unknown in the Kingdom—What an Encouragement to Induſtry! This very penetrating Gentleman alſo recommends a *mild Government*, as a proper Meaſure for preſerving the Dominion of *England* over her Colonies.

of

of Elegance; of the Spirit of Patriotiſm, than the Oſtentation of Opulence.

Not only, " as a Friend to the Colonies," but as an Inhabitant having my All at Stake upon their Welfare †, I deſire an " Exemption from Taxes " impoſed *without my Conſent*, and" I have reflected longer than " a Moment upon the Conſequences:" I value it as one of the deareſt Privileges I enjoy: I acknowledge Dependance on *Great-Britain*, but I can perceive a Degree of it without Slavery, and I diſown all other. I do not expect that the Intereſts of the Colonies will be conſidered by ſome Men, but in Subſerviency to other Regards. The Effects of Luxury, and Venality, and Oppreſſion, Poſterity may perhaps experience, and SUFFICIENT FOR THE DAY WILL BE THE EVIL THEREOF.

† See *The Regulations*, &c. Page 111.

APPEN-

APPENDIX.

BY the 12th *Charles* II, the Colonies are reſtrained from ſending the Products enumerated in the Act to *any foreign* Ports.—By the 15th of the ſame King, they are prohibited from importing Commodities of the Growth or Manufacture of *Europe*, *except from* GREAT-BRITAIN, ſaving a few Articles mentioned in this Act.

A Law, which reſtrains one Part of the Society, from *exporting* its Products to the moſt profitable Market, *in favour of another*; or obliges it to *import* the Manufactures of one Country that are dear, inſtead of thoſe of another that are cheap, is effectually a Tax. For if the profitable *Exportation*, and the *Importation* of the cheaper Commodities were permitted, a Tax equal to ſuch Gain in the former Caſe, and to the Saving in the latter, would leave that Part of the Society in the ſame State and Condition, as if under the Prohibition and Reſtriction above-mentioned. As for Inſtance, in the Caſe of *Importation*.——Suppoſe a Country which I will diſtinguiſh by the Name of A, can purchaſe Commodities of the ſame Kind, and equal Goodneſs, 20 per Cent. cheaper of B, than ſhe can of C;—then it is clear, if A is prohibited from taking theſe Commodities of B, and obliged to purchaſe them of C, that A is juſt in the ſame State and Condition, as if ſhe were allowed to purchaſe the Commodities of B, on paying thereon a Duty of 20 per Cent to C.——This In-

Inſtance, *mutatis mutandis*, is equally applicable to the Caſe of *Exportation*. Hence it appears, that the Country favoured by the Prohibition and Reſtriction, gains as much thereby, as it would do, if the proportionate Tax were paid to it, upon taking off the Prohibition and Reſtriction; or, in other Words, the Profit which the one is hindered from making, in Conſequence of the Prohibition and Reſtriction, is made by the other, in whoſe favour they have been introduced.

It hath been obſerved by a well-received Writer on the Subject of Trade, that "a Prohibition acknowledges the Commodities it is laid on, to be good and cheap, otherwiſe it were needleſs; and a Prohibition on the Goods of any one Nation, gives a Monopoly to other Nations, that raiſe the like."—Again—"A Prohibition againſt any one Nation, makes other Nations, having the like Commodities, take the Advantage and raiſe their Price, *and is therefore a Tax* †."

If a Prohibition, extending to one Nation only in favour of many, confers a Monopoly, and is therefore a Tax; a Prohibition extending to all other Nations in favour of one, is indubitably ſo.

From *Virginia* and *Maryland* are exported, *communibus Annis*, 90,000 Hogſheads of Tobacco to *Great-Britain*, of which it is ſuppoſed 60,000 are thence re-exported. But theſe Colonies not being permitted to ſend their Tobacco *immediately* to foreign Markets *diſtributively*, in proportion to their Demands, the re-exported Tobacco pays double Freight, double Inſurance, Commiſſion and other Shipping Charges. The whole Quantity is, moreover, of Courſe much depreciated; for going all to *Great-Britain*, the *Home-Market* is overdone, by

† Sir *Matthew Decker*.

which

which Circumſtance, the Quantity required for *Home Conſumption* is without Doubt purchaſed cheaper than it would be, if no more than *that* were imported into *Great-Britain*, and of this Glut Foreigners, and Purchaſers on Speculation alſo, avail themſelves. Beſides, a great deal of the Tobacco getting home late, the rigorous Seaſon hinders it's being re-ſhipped for ſome Months, during which, it is dead on Hand, and moreover gives Advantage to Buyers—a Loſs to the Planter, which would be avoided, if the Tobacco could be immediately ſent to it's proper Market.——

The above quoted Author hath computed the Duties, Exciſes, *&c.* on Leather, at 50 per Cent. and the Artificial Value of a Bale of *Engliſh* Cloth ariſing from Taxes, Monopolies and ill-judged Laws at 51 per Cent. by which, he means that every Hundred Pounds Worth of that Species of Manufacture, includes in that Sum 51 *l.* of Taxes. His Computation is, without Doubt, too low now, Taxes having been increaſed very conſiderably ſince the Time in which he wrote.

	per Cent.
In the groſs Sum of the artificial Value, he computed the Amount of the Taxes to be full - - -	31
Monopolies and ill-judged Laws, therefore ſtand at - - - -	20
	51

A Bale of *Engliſh* Cloth coſting - -	£.	100
Includes an artificial Value of - - -		51
The artificial Value ſubſtracted, leaves the natural Value - -		49

But leſt the Eſtimate ſhould be objected to on account of it's including 20 per Cent. for Monopolies, *&c.* I will ſtate the artificial Value ariſing from Taxes, *only* to be 33*l.* 6*s.* 8*d.* which will hardly be objected to, for being too high.

The Colonies, it is ſuppos'd, take, annually, Manufactures from *Great-Britain*, to the Amount of	£. 2,000,000
Therefore they pay an ANNUAL TAX of - - - -	£. 666,666: 13: 4
To which muſt be added Freight, Inſurance, Commiſſion and Shipping Charges, amounting at leaſt to 10 per Cent. the Half of which, as it might be ſaved by back-freight, *&c.* were the Colonies permitted to import *directly* the Manufactures of foreign Countries, is computed at -	100,000: 00: 0
What may be the Amount from the Reſtrictions, on all the Enumerated Commodities (except Tobacco) exported from all the Colonies, with Subſidies retained and Duties laid, upon the moſt moderate Computation may, I ſuppoſe, be ſtated at - -	150,000: 00: 0
	£. 916,666: 13: 4

Part of the Commodities ſent from *Great-Britain* to the Colonies, is firſt imported into *Great-Britain* from

from *foreign* Countries; but the Eſtimate is not exceptionable on that Account, for the general Calculation on the advanced Price of *Britiſh* Manufactures, is extremely low.—Several of the foreign Commodities receive their Perfection in *Britain.*——All of them are enhanced by the Articles of double Freight, Inſurance, Shipping, Charges, the Merchant Importer's Commiſſion, the *Engliſh* Tradeſman's Profit, the Merchant Exporter's Commiſſion, and Subſidies retained. If the Colonies were not reſtrained from directly importing foreign Commodities, they would, it is preſumed, pay leſs for them, even by 50 per Cent. than they do at preſent.

It hath been already obſerved, that there are ſhipped from *Virginia* and *Maryland*, annually, at an Average, about 90,000 Hogſheads of Tobacco, 60,000 of which, or upwards, are re-exported from *Great Britain*, to foreign Markets; but they pay to *Great-Britain*, for the Reaſons above explained, 3 *l.* per Hogſhead, *i. e.* the Sum of 3 *l.* upon each Hogſhead might be ſaved if the Tobacco might be *immediately* and *diſtributively* ſent to the reſpective Markets, in Proportion to their Demands; and an equal Sum is paid alſo to *Great-Britain*, upon the ſame Rule of Computation, *i. e.* that theſe Colonies pay what they might ſave, if not reſtrained. For, though the *Engliſh* Manufacturer gets the Tobacco he wants, without the double Freight, *&c.* yet he has the Advantage of the Glut, and an Opportunity of buying it as cheap, as it is ſold in *Great Britain* for the foreign Markets, before the Charges of double Freights, *&c.* are incurred, and therefore the Planter gets no more for his Tobacco ſold for *Home*, than that which is ſold for *Foreign* Conſumption, and conſequently

ſequently pays as much for it. For there is great Reaſon to imagine, that if theſe Colonies were at Liberty to ſend their Tobacco *immediately* where they pleaſed, the Market in *England* would be as profitable as thoſe of *France*, *Holland*, &c.—But when the Tobacco, under the preſent Regulation, is purchaſed for Re-Exportation, the Purchaſer undoubtedly conſiders the Expence he is to be at, before he gets to the foreign Market, as Part of the Price of the Commodity, and therefore lowers his Price to the Merchant in Proportion.

The above Sum of 3 *l.* for each Hogſhead, makes	£. 270,000: 00: 0
The Amount of the ſundry Impoſitions and Reſtrictions before mentioned, brought forward, - -	916,666: 13: 4
Total Amount of Taxes to *Great-Britain* - - -	1,186,666: 13: 4
Beſides the above Amount of Taxes paid to the Mother-Country, the Colonies in *North-America* ſupport their own Civil Eſtabliſhments, and pay Quit-Rents to the Crown and Proprietaries, to the Amount (ſuppoſing 600,000 Taxables, at the moderate Rate of 15 *s.* each) of -	450,000: 00: 0
Total Amount of Taxes paid to our Mother-Country, and the Support of our Civil Eſtabliſhment, *annually*,	1,636,666: 13: 4

Suppoſing

Suppoſing the clear annual Rents of the Lands in *North-America*, (unreſtrained by Acts of Parliament) wou'd amount to - -	£. 2,500,000

It appears then, that the whole Tax is upwards of 65 per. Cent; and if, therefore, the artificial Value of One Hundred Pounds Worth of *Britiſh* Manufacture, (Cloth for Inſtance) is, according to the above Computation, 33 *l.* 6 *s.* 8 *d.* there was, before the *Stamp-Act*, a Tax paid by the *North-Americans*, near double of that which is paid by the Inhabitants of *England*. If the above Sum of 33 *l.* 6 *s.* 8 *d.* is too low, and ought to be increaſed, then the Tax on *North-America*, on the Article of Manufactures imported from *Britain*, muſt alſo be increaſed.

It ſhould ſeem that the Maxim of every Tax upon Labour falling *ultimately* upon the Conſumer of its Product, cannot be ſtrictly applied to the Product of the *North-American* Colonies. For, as they are obliged to ſend their Commodities to ſome Port in the *Britiſh* Dominions, or (where Indulgence is granted to ſend ſome of them to other Places) deprived in great Meaſure of the Benefit of Returns, they are by this Means ſubjected to dead Freight; and moreover, being confined in their Conſumption to a particular Manufacture, and the Commodities they export, being chiefly raw Materials, they have not the Means generally in the Power of other People, by raiſing the Price of their Labour, to throw their Burthens upon others; but are, for the moſt Part, obliged, both in their Exports and Imports, to ſubmit to an arbitrary

Determination of their Value, though even below firſt Coſt.

The ſanguine Genius of one of the *Anti-American* Writers, brings to my Mind the Fable of the Boy and the Hen that laid *Golden Eggs*. He is not content to wait for the Increaſe of the *Public Revenue*, by that gradual Proceſs and Circulation of Property, which an Attention to the commercial Intereſts of the Nation hath eſtabliſhed, but is at once for tearing away the Embryo, which, in due Time, might be matured into Fullneſs of Size and Vigour; without ever reflecting, that when the Hen is deſtroyed by his Violence, there will be no more GOLDEN EGGS. —— The following Paſſage juſtifies this Obſervation ———

"If we have from the Colonies their ALL al-
"ready, we only have it (ſays he) by Trade, and
"not by Taxes; and ſurely it is not the ſame
"Thing, whether the Wealth be brought into the
"Public Coffers by Taxes, or coming in by Trade,
"flows into the Pockets of Individuals, and, by
"augmenting his Influence with his Wealth, en-
"ables the Merchant to plunge us into new Wars
"and new Debts for his Advantage *."

The Man who thinks the Gains of the Merchant are dangerous, and that the Welfare of the Manufacturers, the Landholders, *&c.* doth not depend upon the Trade and Navigation of *Great-Britain*, is very conſiſtently an Advocate for a Meaſure which hath a direct Tendency to check them; but whether this Opinion, and very conſiſtent Conduct might not be more ſerviceable in ſome

* The Objections to the Taxation, *&c.* conſidered.

other

other Employment, than in that of a L—— of T——, is ſubmitted to their Conſideration, who are the Judges of Merit, and the Diſpenſers of its Rewards.

For a Reaſon, which the above Opinion ſuggeſts, I ſhall ſubjoin an Eſtimate of the Duties upon Tobacco conſumed in *Great-Britain*, and of the Profit to the Planter on that Tobacco.——The intelligent Reader will not apprehend it to be my Meaning, that the Planter pays out of his Pocket all the Duties laid on Tobacco, or be at a Loſs to infer, that the Eſtimate has been made with no other View, than to obviate the Principle others by their Writings ſeem to adopt.

The old Subſidy is One Penny per Pound, 25 per Cent. deducted.

All the other Duties are Seven Pence, and one Third per Pound, 15 per Cent. deducted.

An Hogſhead of Tobacco, at an Average, contains 952 lb.

The whole Duties therefore, - -	£. 27: 14: 0
The Amount of the whole Duties on 30,000 Hogſheads, is - - - - -	£. 831,000: 00: 0

The full clear Proceeds of an Hogſhead of Tobacco, reckoning 952 lb. in each Hogſhead, has not, on an Average for ſome Years paſt, exceeded 4*l.* † wherefore, on 30,000 Hogſheads, the Planters

† See before, p. 76. The attentive Reader will obſerve, that the neat Proceeds of a Hogſhead of Tobacco, at an Average, are 4*l.* and the Taxes 3*l.*—, together, 7*l.*——Quere, How much per Cent does the Tax amount to, which takes from the two wretched Tobacco Colonies, 3*l.* out of every 7*l.*? And how deplorable muſt their Circumſtances appear, when their vaſt Debt to the Mother-Country, and the annual Burthen of their civil Eſtabliſhments are added to the Eſtimate? In theſe two Colonies there are upwards of 180,000 Taxables.

get

get 120,000 *l.* How much of the above Sum of 831,000 *l.* is nett to the Revenue, I ſhall not undertake to ſay; but I preſume it may be ſafely aſſerted, that no Part of this, or any other Public Money, is touched by any *Americans*, whether *they have great Powers of Speech* or not; though any Gentleman who might be affected by it, is not to be blamed for his Apprehenſion, that *a ſudden Importation* of a certain Commodity, might hurt the *home* Market.

The Sum of the Taxes, paid in *North-America*, will appear enormous to thoſe, who, having been told that theſe Colonies pay only 7 or 800 *l. per Annum*, in Conſequence of Taxes laid *there*, might be led, in their Dependence upon *Miniſterial Candor*, to believe, that they paid no more *elſewhere*;—but to others, who are better acquainted with the Subject, the Computation will appear too low. — From theſe Obſervations it may be inferred what vaſt Wealth in *Taxes only*, the Mother-Country has, in the Courſe of a Hundred Years, drawn from her Colonies; and how *profoundly well-informed* the Writer is, who, with equal Pertinency and Modeſty pronounces, "that it is *now* high Time "for *England* to draw ſome *little* Profit from her "Colonies, after the *vaſt Treaſure ſhe has expended* "*on their Settlement.*"

I confeſs that the above Computations are conjectural, but I believe they are probable. I mean that thoſe, who are beſt acquainted with the Subject, will think the Charge upon *North-America* is not exaggerated, and which I think very naturally accounts for the enormous Debt ſhe at preſent labours under to the Mother-Country.

Dr. *Davenant* obſerves, that, "if ever any "Thing great or good be done for the *Engliſh* "Colonies,

" Colonies, Induſtry muſt have its due Recom-
" pence, and that can't be without Encourage-
" ment to it, which, perhaps is only to be brought
" about by *confirming their Liberties*, and eſtabliſhing
" good Diſcipline among them;—that, as they ſee
" they are a Free People, in Point of Govern-
" ment, ſo they may, by Diſcipline, be kept free
" of the Miſchiefs that follow Vice and Idleneſs.
" And, as great Care ſhould be taken in this Re-
" ſpect, ſo without Doubt, it is adviſeable, that
" no little Emulation of private Intereſts of Neigh-
" bour Governors, nor that the Petitions of *hun-*
" *gry Courtiers* at home, ſhould prevail to diſcou-
" rage thoſe particular Colonies, who, in a few
" Years, have raiſed themſelves by their *own*
" *Charge, Prudence and Induſtry*, to the Wealth
" and Greatneſs they are now arrived at, *without*
" *any Expence to the Crown*; upon which Account,
" any *Innovations*, or *Breach* of their *original Char-*
" *ters*, (beſides that it ſeems a *Breach* of the *Pub-*
" *lic Faith*) may, peradventure, not tend to the
" King's Profit." Excellent Obſervation! but how little it hath been regarded, the preſent deeply afflicting Diſtreſs of the Inhabitants of *North America* demonſtrates; — a Diſtreſs ſufficient to drive Men into Deſpair, who are not animated by the Hope, that —— DEUS DABIT HIS QUOQUE FINEM.

The E N D.

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In a Letter from a Gentleman in PHILADELPHIA to his Friend in LONDON.

Prosunt minus recte excogitata; cum alios incitent saltem ad veritatis investigationem. FULB. A BARTOL.

PHILADELPHIA Printed:
LONDON; Re-printed for J. ALMON, opposite Burlington House, Piccadilly.
MDCCLXVI.

THE LATE
REGULATIONS
RESPECTING THE
BRITISH COLONIES
CONSIDERED.

SIR,

WHEN I laſt wrote to you and ſaid, "that the late meaſures reſpecting *America*, would not only be extremely injurious to the *Colonies*, but alſo to *Great Britain*," I little thought I was entering into an engagement, which would oblige me to exceed the uſual limits of a letter: but ſince you deſire to have at large the reaſons in ſupport of this opinion, and I always think it my duty to comply with your requeſts, I will endeavour, in the cleareſt manner I can, to lay my ſentiments before you.

THE *American* continental colonies are inhabited by perſons of ſmall fortune, who *are* ſo cloſely employed in ſubduing a wild country, for their ſubſiſtence, and who *would* labour under ſuch difficulties in contending with old and populous coun-

tries, which muſt exceed them in workmanſhip and cheapneſs, that they have not time nor any temptation to apply themſelves to manufactures.

HENCE ariſes the * importance of the colonies to *Great Britain*. Her proſperity depends on her com-

* It has been ſaid in the Houſe of Commons, when complaints have been made of the decay of trade to any part of *Europe*, "That ſuch things were not worth regard, as *Great Britain* was poſſeſt of colonies that could conſume more of her manufactures than ſhe was able to ſupply them with."

"As the caſe now ſtands, we ſhall ſhew that the *plantations* are a ſpring of *wealth* to this nation, that they *work* for us, that their treaſure *centers all here*, and that the laws have tied them faſt enough to us; ſo that it muſt be through our own fault and miſmanagement, if they become independant of *England*."

DAVENANT on the Plantation trade.

"It is better that the iſlands ſhould be ſupplied from the Northern Colonies than from *England*, for this reaſon; the proviſions we might ſend to *Barbados*, *Jamaica*, *&c.* would be *unimprov'd* product of the earth, as grain of all kinds, or ſuch product where there is little got by the improvement, as malt, ſalt, beef and pork; indeed, the exportation of ſalt-fiſh thither would be more advantageous, but the goods which we ſend to the *Northern Colonies*, are ſuch, whoſe *improvement* may be juſtly ſaid one with another to be near *four-fifths* of the value of the *whole commodity*, as apparel, houſhold-furniture, and many other things." *Idem.*

"*New-England* is the moſt prejudicial plantation to the kingdom of *England*; and yet, to do right to that moſt induſtrious *Engliſh* colony, I muſt confeſs, that though we loſe by their unlimited trade with other foreign plantations, yet we are very great gainers by their direct trade to and from *Old England*. Our yearly exportations of *Engliſh* manufactures, malt and other goods, from hence thither, amounting, in my opinion, to *ten times* the value of what is imported from thence; which calculation I do not make at random, but upon *mature conſideration*, and, peradventure, upon *as much experience in this very trade*, as any other perſon will pretend to; and therefore, whenever

commerce; her commerce on her manufactures; her manufactures on the markets for them; and

ever reformation of our correſpondency in trade with that people ſhall be thought on, it will, in my poor judgment, require GREAT TENDERNESS, and VERY SERIOUS CIRCUMSPECTION."

Sir JOSIAH CHILD's diſcourſe on trade.

"Our plantations ſpend moſtly our *Engliſh* manufactures, and thoſe *of all ſorts almoſt imaginable*, in *egregious quantities*, and employ near *two thirds of all our* Engliſh *ſhipping*; ſo that we have *more people* in *England*, by reaſon of our plantations in *America*." *Idem.*

Sir JOSIAH CHILD ſays, in another part of his work, "That not more than fifty families are maintained in *England* by the refining of ſugar." From whence, and from what *Davenant* ſays, it is plain, that the advantages here ſaid to be derived from the plantations by *England*, muſt be meant chiefly of the continental colonies.

See notes to pages 11 *and* 12.

"I ſhall ſum up my whole remarks on our *American* colonies, with this obſervation, that as they are a certain annual revenue of ſeveral millions ſterling to their Mother Country, they ought carefully to be protected, duly encouraged, and every opportunity that preſents, improved for their increment and advantage, as every one they can poſſibly reap, muſt at laſt return to us with intereſt."

BEAWES's Lex merc. red.

"We may ſafely advance, that our trade and navigation are greatly encreaſed by our colonies, and that they really are a ſource of treaſure and naval power to this kingdom, ſince *they work for us*, and *their treaſure centers here*. Before their ſettlement, our manufactures were few, and thoſe but indifferent; the number of *Engliſh* merchants very ſmall, and the whole ſhipping of the nation much inferior to what now belongs to the Northern Colonies only. *Theſe are certain facts.* But ſince their eſtabliſhment, our condition has altered for the better, almoſt to a degree beyond credibility.—Our MANUFACTURES are prodigiouſly encreaſed, chiefly by the demand for them in the plantations, where they AT LEAST TAKE OFF ONE HALF, and ſupply us with many valuable commodities for exportation, which is as great an emolument to the Mother Kingdom, as to the plantations themſelves."

POSTLETHWAYT's univ. dict. of trade and comm.

the moſt conſtant and advantageous markets are afforded by the colonies, as in all others the * reſt of *Europe* interferes with her, and various accidents may interrupt them. The benefit from hence is at *preſent* immenſe; but in *future* times when *America* ſhall be more fully peopled, muſt exceed with prudent management the warmeſt wiſhes of a *Britiſh* Patriot.

OUR chief productions are proviſions, naval ſtores, furs, iron and lumber. A few colonies yield tobacco and indigo. Some of theſe commodities are neceſſary to *Great Britain*; but all that ſhe requires are vaſtly inſufficient to pay for her manufactures which we want. The productions of ſome of the Southern Colonies may perhaps be equal to their demands, but the caſe is widely different with the Northern; for in theſe, the importations from *Great Britain* are computed to be generally more than double the value of their immediate exportations to that kingdom.

THE only expedient left us for making our remittances, is to carry on ſome other trade, whereby we can obtain ſilver and gold, which our own country does not afford. Hence it is evident, that if our taking off and paying for her manufactures, is beneficial to *Great Britain*, the channels by which we acquire money for that purpoſe, ought to be induſtriouſly kept open and uninterrupted.

* "Moſt of the nations of *Europe* have interfered with us, more or leſs, in divers of our ſtaple manufactures, within half a century, not only in our woollen, but in our lead and tin manufactures, as well as our fiſheries."
POSTLETHWAYT's univ. dict. of trade and comm.

OUR trade with *Spain*, *Portugal* and the foreign plantations in the *Weſt-Indies*, have chiefly anſwered this end, though with much difficulty, the mother country having long ſince drawn the * commercial cords with which the colonies are bound, extremely tight upon them. Every thing produced *here*, that *Great Britain* chuſes to take to herſelf, muſt be carried to that kingdom † *only*——Every thing we

* As far as regulations are requiſite to confine the commerce of the colonies to *Britiſh* ſubjects and to *Britiſh* ſhips; to give *Great Britain* the preference in being ſupplied with naval ſtores, ſo eſſential to her ſtrength at ſea; with commodities neceſſary for carrying on her woollen manufactures, or ſuch articles as can bear high duties upon them, and thereby make a conſiderable addition to the revenue; or as far as they are requiſite to prevent the colonies from being ſupplied with any thing in the place of *Britiſh* manufactures, they may be reaſonable. Theſe regulations, it is apprehended, eſtabliſh the baſis of the *Britiſh* power; and form ſuch a firm connection between the Mother Country and her Colonies, as will produce all the advantages ſhe ought to wiſh for, or that they can afford her. Any further attempt to ſhackle *ſome* of the colonies in favour of *others*, or to advance the revenue in *America* by reſtraining her trade, is but regulating by a ſevere exerciſe of power, what wants no regulation, and loſing by too much haſte to gain. (*See Notes to pages* 14, 15.) *Unneceſſary* and *irritating* reſtrictions, will at laſt caſt *contempt* and *hatred* on thoſe *ſubſtantial* ones, that length of time, and the natural reverence of Colonies for their Mother Country, would have conſecrated; for diſcontented minds are not apt to diſtinguiſh. "Narrow-limited notions in trade and planting, are only advanced by, and can only be of uſe to *particular* perſons, but are always injurious to the *public* intereſts, in preventing the full employment of our own people, and giving our rivals and competitors in trade, the opportunity of employing greater numbers of theirs, producing greater quantities of merchandizes, and underſelling us at foreign markets."

POSTLETHWAYT's univ. dict. of trade and comm.

† *Monteſquieu*, ſpeaking of the contract made by *Poland* for ſelling *all* her corn to *Dantzick* ONLY; and another

we chuſe to import from *Europe*, muſt be ſhipped in † *Great Britain*---Heavy duties have been laid on our importations from the foreign plantations.

HOWEVER, under all theſe reſtraints and ſome others that have been impoſed on us, we have not till lately been unhappy. Our ſpirits were not depreſſed. We apprehended no deſign formed againſt our liberty. We for a long time enjoyed peace, and were quite free from any heavy debt, either internal or external. We had a paper currency which ſerved as a medium of domeſtic commerce, and permitted us to employ all the gold and ſilver we could acquire, in trade abroad. We had a multitude of markets for our proviſions, lumber and iron. Theſe allowed liberties, with ſome others we aſſumed, enabled us to collect conſiderable ſums of money for the joint benefit of ourſelves and our mother country.

BUT the modern regulations are in every circumſtance afflicting. The remittances we have been able to make to *Great Britain*, with all the licence hitherto granted or taken, and all the money brought among us in the courſe of the late war, have not been ſufficient to pay her what we owe;

other of the like nature between ſome *Indian* princes and the *Dutch* for ſpices, ſays; "Theſe agreements are proper for a poor nation, whoſe inhabitants are ſatisfied *to forego the hopes of enriching themſelves*, provided *they can be ſecure of a certain ſubſiſtence*; or for nations, whoſe SLAVERY conſiſts either *in renouncing the uſe of thoſe things which nature has given them*; or in being OBLIGED TO SUBMIT TO A DISADVANTAGEOUS COMMERCE."

† Except Salt from any part of *Europe* for the fiſheries of *Newfoundland*, *New-England*, *New-York* and *Penſylvania*; and a few things from *Ireland*.

but

but there ſtill remains due, according to a late calculation made by the *Engliſh* merchants, the ſum of four millions ſterling. Beſides this, we are and have been for many years heavily taxed, for the payment of the debts contracted by our efforts againſt the common enemy. Theſe ſeem to be difficulties ſevere enough for young colonies to contend with. The laſt * ſinks our paper currency very faſt. The former ſweeps off our ſilver and gold in a torrent to *Great Britain*, and leaves us continually toiling to ſupply from a number of diſtant ſprings the continually waſting ſtream.

THUS drained, we are prohibited by new and ſtricter reſtraints being laid on our trade, from procuring theſe coins as we uſed to do; and from inſtituting among ourſelves bills of credit in the place of ſuch portions of them as are required in our internal traffic; and in this exhauſted condition, our languiſhing country is to ſtrive to take up and to totter under the additional burthen of the STAMP ACT.

IN defence of the prohibition to inſtitute *bills of credit*, it may be ſaid, " that ſome few colonies, by injudicious emiſſions of paper currency, did great injury to individuals." It is true: But it is as true, that others † always ſupported the credit of their bills in ſuch a manner, that their emiſſions

* While the quantity of paper currency is proportioned to the uſes for it, it muſt be beneficial; and therefore to ſink it below that quantity, muſt be prejudicial.

† No attempt was ever made in this province and ſome others, to pay *Engliſh* debts any otherwiſe than according to the rate of exchange; and no complaint was ever made of injuſtice from the depreciation of the currency.

were

were of vaſt benefit both to the provinces and to *Great Britain*. The inconveniencies under which the colonies laboured before theſe emiſſions are well remembered, and were produced by the ſame cauſe that diſtreſſes us at this time; that is, by *Great Britain*'s taking off all our gold and ſilver. There was then ſo little money among ſeveral of them, that a ſtop was put in a manner to buying and ſelling, and even ſhop-keepers were obliged to barter their goods for food. The effect produced by theſe emiſſions was ſurpriſing——Trade revived; and the remarkable and immediate * increaſe of our importations ſhewed how advantageous they were

* Value of the exports from *England* to *Pennſylvania* at different periods.

In 1723	they were	£15,992 19 4
1730	——	48,592 7 5
1737	—— ——	56,690 6 7
1742	—— ——	75,295 3 4

In the year 1723 the firſt bills of credit were emitted in *Pennſylvania*, to the value of £45000. In 1728, part of the firſt emiſſion being then ſunk, £30000 more were emitted. It appears from the account above, that in ſeven years from 1723 to 1730, the exports increaſed £32,599 8 *s.* 1 *d.* ſterling.——In 1738, great part of the preceding emiſſions being then ſunk, there was an emiſſion and re-emiſſion, amounting in the whole to £80000. In five years afterwards, it appears by the account above, the exports increaſed near £20000 ſterling.

In later times when larger emiſſions have been made, the exports have proportionably increaſed. In 1755 £55000 were remitted: and in 1756 £30000.—In 1757, the exports amounted to £268,426 6 6—Afterwards our emiſſions were ſtill greater, and in one year of the war, the exports roſe to more than £700,000 ſterling.

It is not pretended, that the increaſe of our importations is *ſolely* owing to the emiſſions of paper money; but it is thought to be a very great cauſe of that increaſe. It is undoubtedly owing in part to the increaſe of people by propagation, and the influx of foreigners. But ſuch *great* and *ſudden* increaſes as have been mentioned in the ſhort

were to *Great-Britain.* If any inconveniencies were feared from this kind of currency, means might have been found to prevent them, without utterly aboliſhing it: but now, the apprehenſion of miſchiefs that might have been more eaſily obviated, has deprived us of real benefits.

PERHAPS no mode could be deviſed more advantageous to the public, or to individuals, than our method of emitting bills in this province for our own uſe. They are lent out upon good ſecurity, chiefly real, at the intereſt of *five per cent.* The borrowers are allowed a long term for payment, and the ſums borrowed being divided into

ſpace of ſeven or five years, from 1723 to 1730, and from 1737 to 1742, could not in any great degree proceed from the increaſe by propagation; and at that time I think foreigners did not flow in upon us in ſuch numbers as they ſince have done. In the war large ſums were brought among us for the maintenance of the fleets and armies, it is true: but that our currency was then of great utility is evident, becauſe when the greateſt quantity of it was paſſing, bills of exchange were lower than they were for a long time before, or have been ſince.

It may be objected, that the complaint of the ſcarcity of money in *America*, particularly in this province, cannot be well founded, as we have lately had ſuch large emiſſions. I am very ſenſible how liable perſons are to errors in queſtions of this nature, and therefore I think myſelf obliged to ſpeak with diffidence on the ſubject. Perhaps the following obſervations may in ſome meaſure anſwer the objection. 1ſt. About one half of the emiſſions is ſunk. 2dly. A very great part of the bills now circulating, are paſſing in the neighbouring provinces. 3dly. Our gold and ſilver are ſent to *Great-Britain*, ſo that but ſmall quantities thereof are now current among us—and therefore we muſt almoſt entirely rely on our paper for the medium of domeſtic commerce. Laſtly, It does not ſeem probable, that we ſhould have heard ſuch great complaints of the ſcarcity of money, if the extreme reſtrictions of our commerce, had not ſo generally prevented our uſual methods of acquiring it.

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equal portions, they are obliged to pay one of theſe with the intereſt of the whole, every year during the term. This renders the payments very eaſy; and as no perſon is permitted to borrow a large ſum, a great number are accommodated. The conſequences of ſuch regulations are obvious. Theſe bills repreſent money in the ſame manner that money repreſents other things. As long therefore as the quantity is proportioned to the uſes, theſe emiſſions have the ſame effects, that the gradual introduction of additional ſums of money would have. People of very ſmall fortunes are enabled to purchaſe and cultivate land, which is of ſo much conſequence in ſettling new countries, or to carry on ſome buſineſs, that without ſuch aſſiſtance they would be incapable of managing: For no private perſon would lend money on ſuch favourable terms. From the borrowers the currency paſſes into other hands, encreaſes conſumption, raiſes the prices of commodities, quickens circulation, and after communicating a vigour to all kinds of induſtry, returns in its courſe into the poſſeſſion of the borrowers, to repay them for that labour which it may properly be ſaid to have produced. They deliver it, according to the original contracts, into the treaſury, where the intereſt raiſes a fund without the impoſition of taxes, for the public uſe.

WHILE emiſſions are thus conducted with prudence, they may be compared to ſprings, whoſe water an induſtrious and knowing farmer ſpreads in many meandering rivulets through his gardens and meadows, and after it has refreſhed all the vegetable tribes it meets with, and has ſet them a growing, leads it into a reſervoir, where it anſwers ſome new purpoſe.

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If it could be poſſible to eſtabliſh a currency throughout the colonies, on ſome foundation of this kind, perhaps greater benefits might be derived from it, than would be generally believed without the trial.

With reſpect to the reſtrictions laid on our trade to *foreign plantations*, it has been alledged, as a reaſon for them, "that our iſlands ought to be encouraged." They ought to be: But ſhould the intereſt of one colony be preferred to that of another? Should the welfare of millions be ſacrificed to the magnificence of a few? If the exorbitant profits of one colony muſt ariſe from the depreſſion of another, ſhould not ſuch injuſtice be redreſſed?

There is a vaſt difference to be made in calculating the gains of any particular branch of buſineſs to the *public*, and to *individuals*. The advantages to the laſt may be ſmall, and yet great to the firſt, or the reverſe. The ſtatutes made to reſtrain the trade of the continent in ‖ favour of the iſlands, ſeem

‖ "The agents for *New-York*, in their conteſt with the ſugar colonies, affirmed, That their winters being ſevere, obliged them to take off more of the woollen manufactures of this kingdom *(for which they remitted gold and ſilver)* than all the *iſlands (Jamaica* excepted) *put together*; and which I believe has remained uncontradicted."

Beawes's Lex. merc. red.

If one province then exceeded all our *Weſt-Indies*, except *Jamaica*, in this particular, what proportion would that ſingle iſland bear now to *all the reſt of the continental colonies*?

The following account of the exports from England to the *Northern Colonies*, and to the *Weſt-India Iſlands*, will ſhew they were nearly equal ſome time ago; that thoſe to the *Northern Colonies* now vaſtly exceed, and are

ſeem to tend rather towards promoting ‡ *partial* than *general*, intereſts; and it appears to me no paradox

prodigiouſly increaſing, while thoſe to the Iſlands have continued nearly the ſame.

From 1744 to 1748, incluſive.

	Northern Colonies.				*Weſt-India Iſlands.*		
1744	£640,114	12	4	——	£796,112	17	9
1745	— 534,316	2	5	——	503,669	19	9
1746	— 754,945	4	3	——	472,994	19	7
1747	— 726,648	5	5	——	856,463	18	6
1748	— 830,243	16	9	——	734,095	15	3
Total	£3,486,268	1	2	Total	£3,363,337	10	10
				Difference	122,930	10	4
					£3,486,268	1	2

From 1754 to 1758, incluſive.

	Northern Colonies.				*Weſt-India Iſlands.*		
1754	£1,246,615	1	11	——	£685,675	3	0
1755	— 1,177,848	6	10	——	694,667	13	3
1756	— 1,428,720	18	10	——	733,458	16	3
1757	— 1,727,924	2	10	——	776,488	0	6
1758	— 1,832,948	13	10	——	877,571	19	11
Total	£7,414,057	4	3	Total	£3,767,841	12	11
				Difference	3,646,215	11	4
					£7,414,057	4	3

Total for the *Northern Colonies*, in the firſt Term —— ——	£3,486,268	1	2
Ditto, in the ſecond Term ——	7,414,057	4	3
Increaſe,	£3,927,789	3	1
Total for the *Weſt-India Iſlands*, in the firſt Term ——	£3,363,337	10	10
Ditto, in the ſecond Term ——	3,767,841	12	11
Increaſe, only	£0,404,504	2	1

The difference between the employment afforded to the manufacturers of *England*, by the *Northern Colonies* and by the

paradox to ſay, that the public would be as great a gainer, if eſtates there were ſo † moderate, that not a tenth part of the *Weſt-India* gentlemen who now ſit in the Houſe of Commons, could obtain that frequently expenſive honour.

IT is allowed by thoſe well acquainted with the iſlands, that they cannot ſupply *Great Britain* and theſe colonies with ſugar and other articles, and that they can by no means conſume the productions of theſe colonies; yet in * favour to them, we are almoſt

the *Weſt-India Iſlands*, is ſtill greater than it may appear to be from the firſt view of the preceding account: For a much greater quantity of *Eaſt-India* goods is exported to the laſt than to the firſt; and the *Engliſh* manufactures conſumed by them generally derive their value from the richneſs of the materials, many of which are brought from foreign countries, but thoſe we conſume, chiefly derive their value from the work beſtowed upon them, (Vide note to pages 2 and 3.)

‡ Vide Note to page 5.

† "A great advantage which the *French* have over the *Engliſh* in their ſugar colonies, is their *Agrarian law*, whereby monopoliſts are prevented from engroſſing too much land; ſo that the number of whites is greatly increaſed, the land improved, more commodities raiſed, the planters *obliged to a more frugal way of living*, and *all things rendered cheaper*. By theſe means *Martinico* can muſter 16,000 fighting men; but *Jamaica*, which is near three times as large, only 4000." TUCKER on trade.

* It is recited in the 6th of Geo. 2d. ch. 13, now made perpetual, "that the Sugar colonies could not carry on their trade ON AN EQUAL FOOTING with the foreign Sugar Colonies, without ſome *advantage* and relief given to them by *Great-Britain*." That *advantage* GIVEN by *Great-Britain*—was to compel the continental Colonies to take their productions at any price they pleaſe to aſk—In ſhort, to grant them a MONOPOLY for Sugars. This was taking *from one* indeed to give *to another*; but goes not to the

almoſt entirely prevented from ſending theſe productions to any other markets. Hence it follows, that we are frequently obliged to ſell our commodities to them at ſo low a price, as not to pay the firſt coſt and freight; while we, being in a manner prohibited from getting the *Weſt-India* productions, for which we have occaſion, any where elſe but from them, muſt pay extravagantly for them.

Nor is this management attended, as it is preſumed, with any benefit to the Mother Country, but with a diſadvantage; either where the productions of the foreign plantations are conſumed among us, or re exported to *Europe*. By the compulſion on us to take from our iſlands, the price of their productions is raiſed on the people of *Great-Britain*. The Revenue would be encreaſed by this reſtriction being taken off, as we ſhould willingly pay a moderate duty upon importations from the *French* and *Spaniards*, without attempting to run them; while a very conſiderable duty would be paid on the § ſugars of our

the root of the evil; as the next preceding note evidently ſhews. For if *Great Britain* ſhould ſacrifice her own intereſts and thoſe of her continental colonies ſtill more, *if it be poſſible*, to the intereſt of theſe iſlanders, *they never will* "carry on their trade ON AN EQUAL FOOTING with the foreign ſugar colonies," until there is the ſame moderation in their eſtates, and the ſame frugality in their living. By a very ſingular diſpoſition of affairs, the colonies of an *abſolute monarchy* are ſettled on a *republican principle*; while thoſe of a kingdom in many reſpects *reſembling a commonwealth*, are cantoned out among *a few lords*, veſted with deſpotic power over *myriads of vaſſals*, and ſupported in the pomp of *Baſſa*'s by *their* ſlavery.

§ The reſtriction on the trade of the colonies to foreign plantations for Molaſſes, is particularly grievous and impolitic, as the Molaſſes brought from thence was diſtilled for the *fiſheries*, the *Indian* and *Guinea* trades, the profit of which centered in *Great-Britain*. It is ſaid, our veſ-

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our iſlands, which, inſtead of coming to us, would then go to *Great-Britain*. Beſides, whatever extraordinary price we pay for the productions of our own iſlands, muſt leſſen our demand for *Britiſh* manufactures; ſince it is an ‖ undeniable truth, that what

ſels now buy ſpiritous liquors on the coaſt of *Guinea* from the *Dutch*.

‖ This cannot be diſputed by any one who is acquainted with *America*. The increaſe of a man's wealth there ſhews itſelf in a greater conſumption of *Britiſh* manufactures of all kinds.——This reaſoning in favour of the continental colonies trade with foreign plantations, is confirmed by what Sir *Joſiah Child* mentions of *New-England*.——He ſays,—" *England* loſes by the *unlimited trade* of this colony to other foreign plantations, but gains by her direct trade to Old *England*, from whence ſhe exports manufactures to *ten times* the value of her imports." (See the note to page 2.) What was it then that enabled *New-England* to pay *ten times* the *value* of her *imports* to *England*, but the *profits of her trade to foreign plantations?* This appears to be a direct authority in ſupport of the arguments hereafter uſed. It ſeems therefore that *Great-Britain* of late, through too great eagerneſs to gather golden fruits, has ſhaken the tree before they were full grown. With a little patience they would ripen, and then of themſelves drop into her lap.

" The inhabitants of our colonies, by carrying on a trade with their *foreign neighbours*, do not only occaſion *a greater quantity of the goods and merchandizes of Europe being ſent from hence to them*, and a greater quantity of the product of *America* to be ſent from them hither, *which would otherwiſe be carried from, and brought to Europe by foreigners*, but an encreaſe of the ſeamen and navigation in thoſe parts, which is of great ſtrength and ſecurity, as well as of great advantage to our plantations in general. And though *ſome of our colonies* are not only for preventing the *importations of all goods of the ſame ſpecies they produce*, but ſuffer particular planters to *keep great runs of land in their poſſeſſion uncultivated*, with deſign to prevent new ſettlements, whereby they imagine the prices of their commodities may be affected; yet if it be conſidered, that the Markets of *Great-Britain* depend on the markets of ALL *Europe in general*,

what we ſhould ſave in that way, would be chiefly ſpent in this. It may alſo juſtly be added, that our commerce with the foreign plantations, carries to them very conſiderable quantities of *Britiſh* manufactures, for their conſumption. †

If our importations from them ſhould be re-exported to *Europe*, the profits would center in *Great-Britain*, according to the uſual courſe of our trade. The ſtatute paſſed in the twenty-fifth year of *Charles* the ſecond, indeed mentions this practice as injurious. It might be ſo, if regarded without its attendant circumſtances; but if *they* are taken into view, and it be conſidered, that if *we* do not carry theſe productions to *Europe*, *foreigners* will, no miſchief ſeems likely to enſue from our becoming the carriers. §

The reſtriction alſo with regard to our iron, is thought particularly ſevere. Whenever we can get a better price in *Great-Britain* than elſewhere, it is unneceſſary; whenever we can get a better price in

general, and that the *European* markets *in general* depend on the proportion between the *annual conſumption* and the *whole quantity* of each ſpecies *annually produced* by ALL *nations*; it muſt follow, that whether we or foreigners are the producers, *carriers*, importers and exporters of *American* produce, yet their reſpective prices in *each colony* (the difference of freight, cuſtoms and importations conſidered) will always bear proportion to the *general conſumption* of the *whole quantity* of each ſort, *produced in all colonies*, and *in all parts*, allowing only for the uſual contingencies that trade and commerce, agriculture and manufactures are liable to in all countries."

POSTLETHWAYT's Univ. Dict. of Trade and Commerce.

† See the preceding note.

§ See the preceding note.

other

other places; it is * prejudicial. Cargoes compoſed of this metal, proviſions and lumber, have been found to anſwer very well at the *Portugueſe* and ſome other markets; and as the laſt articles are frequently very low, and our foreign trade is reduced to ſo few commodities, the taking away any one of them muſt be hurtful to us. Indeed, to require us to ſend all our iron to *Great-Britain*, is, in the opinion of ſome of our moſt judicious merchants, to require an impoſſibility: For as this article is ſo heavy, and ſuch ſmall quantities can be ſent in one veſſel, they aſſert, that we cannot find freight directly home for one half of it.

Besides the circumſtances already mentioned to prove the injurious conſequences of the late reſtrictions, there is another, which has great force in perſuading me that our trade ought by all means to be more encouraged and extended at this time, than was formerly neceſſary. Our ſettlements then comprehended only a narrow ſtrip along the ſhore of the ocean; they were leſs populous; and their diſtance from the ſea ports being ſmall, they were ſupplied with every thing they wanted from thence, without any length of inland carriage. But now we have penetrated boundleſs foreſts, have paſſed over immenſe mountains, and are daily puſhing further and further into the wilderneſs, the inhabitants of theſe remote regions, muſt of neceſſity hold very little intercourſe with thoſe which are

* If the colonies can get more by carrying their iron to foreign ports, than to *Great-Britain*, (and if they cannot, there is no occaſion of a law to compel them to carry it to *Great-Britain*) they will be more able to make larger demands for *Britiſh* manufactures; ſo that *Great-Britain* will gain the profits of our iron, to make up her loſs by what ſhe takes from *Sweden*.

near the ſea, unleſs a very extenſive commerce ſhall enable theſe to ſupply them with ſuch quantities of * foreign commodities as they want, and at ſuch prices as they can afford to pay. Every reſtriction on our trade, ſeems to be a reſtriction on this intercourſe, and muſt gradually cut off the connection of the interior parts with the maritime and the mother country.

But it is unneceſſary to endeavour to prove by reaſoning on theſe things, that we *ſhall ſuffer*, for we *already ſuffer*. Trade is decaying; and all credit is expiring. † Money is become ſo extremely ſcarce, that reputable freeholders find it impoſſible to pay debts which are trifling in compariſon to their eſtates. If creditors ſue, and take out executions, the lands and perſonal eſtate, as the ſale muſt be for ready money, are ſold for a ſmall part of what they were worth when the debts were contracted. The debtors are ruined. The creditors get but part of their debts, and that ruins them. Thus the conſumers break the ſhopkeepers; they break the merchants; and the ſhock muſt be felt as far as *London*. Fortunate, indeed, is the man who can get ſatisfaction *in Money* for any part of his debt, in ſome counties; for in

* It is apprehended, that if the greateſt part of the commodities demanded by the back country ſhould not be *Britiſh* but *Weſt-Indian*, yet it muſt be beneficial to *Great Britain* to promote this trade by all means. For if the country nearer the ſea grows rich by ſupplying them with the productions of the *Weſt-Indies*, theſe will certainly conſume greater quantities of *Britiſh* manufactures.

† It is ſaid that in *Virginia*, the ſheriffs, inſtead of raiſing the annual levies, have been obliged to make returns into the treaſury, of effects which they have taken in execution, but could not ſell, as there were no bidders for ready money.

many

many inſtances, after lands and goods have been repeatedly advertiſed in the public gazettes, and expoſed to ſale, not a buyer appears.

By theſe means multitudes are already ruined, and the eſtates of others are melting away in the ſame manner. It muſt ſtrike any one with great ſurprize and concern, to hear of the number of debtors diſcharged every court by our inſolvent act. Though our courts are held every quarter, yet at the laſt term for the county of *Philadelphia* alone, no leſs than thirty-five perſons applied for the benefit of that act. If it be conſidered that this law extends only to thoſe who do not owe any ſingle debt above £. 150, that many are daily releaſed by the lenity of their creditors, and that many more remove, without their knowledge, it will not be difficult to form a judgment of the condition to which the people are reduced.

If theſe effects are produced already, what can we expect, when the ſame cauſes ſhall have operated longer? What can we expect, when the exhauſted colonies ſhall feel the Stamp Act drawing off, as it were, the laſt drops of their blood? From whence is the ſilver to come, with which the taxes impoſed by this act, and the duties impoſed by other late acts, are to be paid? Or how will our *merchants* and the *lower ranks of people*, on whom the force of theſe regulations will fall firſt, and with the greateſt violence, bear this additional load?

These laſt are to be conſidered in a very different light from thoſe of the ſame claſſes in *Great-Britain*. *There* the nature of their employments,

and the plenty of money give them very little occaſion to make contracts in writing; but *here* they are continually making them, and are obliged to do ſo. The STAMP ACT, therefore, will be ſeverely felt by *theſe*, in whoſe welfare the proſperity of a ſtate is always ſo much intereſted; and * tranſfers of property, that ought, in new countries particularly, to be made as eaſy as poſſible, will be much diſcouraged. From the neceſſity they are under of making contracts *to be executed afterwards*, the lower ranks of people here are frequently engaged in law ſuits; and as the law is already a very heavy tax on the ſubject in all parts of the *Britiſh* dominions, this act will render it deſtructive here; for the neceſſities, the follies and the paſſions of mankind, will not ſuffer them to ceaſe from harraſſing one another in that way.

NEITHER are the merchants here by any means able to bear taxes, as they do at home. A very great number of them there put ſuch ſtocks into trade, as would be thought large fortunes among us; and our merchants would think themſelves very happy to leave off buſineſs with ſuch eſtates as the others begin with. I ſpeak of the mer-

* In the preſent ſcarcity of money, the ſellers of lands, negroes, &c. &c. always inſiſt on having part of the purchaſe-money in hand—The buyers, unleſs they happen to be rich men, find it impoſſible to comply with this term, unleſs they borrow money, which cannot now be done but in very ſmall parcels from different perſons.—Each of theſe muſt have a bond; and each of thoſe bonds muſt pay a ſtamp-duty of one ſhilling ſterling, if the ſum be above ten pounds and under twenty—and if above twenty pounds and under forty, one ſhilling and ſixpence ſterling——beſides a heavy duty on the original contract.

chants

chants in general; for we have on the continent individuals who are rich, but their number is too inconſiderable to deſerve any notice on this occaſion. Beſides, the intereſt of money being lower at home than what it is here, thoſe who trade on borrowed ſtocks, can do it to much greater advantage there than we can. Indeed, among us it is almoſt impoſſible to get money to trade upon at any rate. How unequal, under the preſent diſadvantages, a merchant's commerce will be to the payment of all the taxes impoſed by the STAMP ACT on his policies, fees with clerks, charter parties, proteſts, his other notarial acts, his letters, and even his advertiſements, experience, I am afraid will unhappily prove.

THUS, I apprehend, that this Act will be extremely heavy on thoſe who are leaſt able to bear it; and if our merchants and people of little ſubſtance languiſh under it, all others muſt be affected. Our mode of taxation, hath always been by making as exact an eſtimate as could be formed of each man's eſtate; by which means, our taxes have been proportioned to the abilities of thoſe who were to pay them. Few perſons are employed in the collection of them; their allowance is very moderate; and therefore the expence is ſmall. No exceſſive penalties, no tribes of informers, no dreadful and deteſtable courts are neceſſary. This I imagine, is the mode of taxation, which in young colonies, will be found to be leaſt oppreſſive and deſtructive, and certainly the moſt equal: But by the Stamp Act, the ‡ wealthy who have money to

‡ If a rich man buys land, it is generally from the diſtreſſed, and therefore the ſellers ſituation will oblige him to pay for the deed, when the other inſiſts on it; and when

to let out at intereſt, or to make purchaſes, and undoubtedly ought to pay the moſt towards the public charges, will eſcape theſe taxes, while the whole weight of them will fall on the neceſſitous and induſtrious, who moſt of all require relief and encouragement.

But it may be ſaid, "That the merchants will not be affected by theſe taxes, becauſe they will raiſe the prices of their goods in proportion, and that at length *all taxes muſt ariſe from lands.*"

This rule ſeems more applicable to very populous and rich countries, where the manufacturers and landholders through neceſſity or the force of faſhions, have preſſing demands upon the merchants, than to ſuch a country as this, where a great majority of the people live on their lands in a very plain way. For by practiſing a ſtrict frugality and induſtry, *we* may render ourſelves more independent of the merchants, than the circumſtances of more populous and wealthy ſtates will permit the other claſſes of their people to be. The high prices therefore which our merchants impoſe upon their goods, will diſcourage the ſale of them, and conſequently they muſt "be affected by the taxes," which oblige them to raiſe the prices in this manner.

However, granting that all taxes muſt ariſe from lands; it follows, that where the profits of the lands are ſmall, they can bear but ſmall taxes. The more labour is beſtowed on them, the greater the profits *will* be, and the taxes *may* be. In old

when a man borrows money, every body knows who pays for the bonds and mortgages.

populous

populous countries there is an opportunity of beſtowing this labour, and the manner of doing it is well underſtood. Thus in *England*, the profits of land are ſo great, as to ſupport a very large number of nobility and gentry in ſplendor, and to afford means of raiſing taxes to an amazing amount. Nor are the workers of the land unrewarded; for the farmers have ſuch long leaſes, and other encouragements, that they thrive and live comfortably, and many of them are very wealthy.

How different is the caſe in *America?* The inhabitants being ſcattered thin through the country, and labourers being very ſcarce, they think themſelves fortunate, if they can clear their land, fence it, and any how put their grain into the ground in ſeaſon. Manuring or ‖ improving ſoils is not known, except in ſome ſmall cloſes near cities; but every one muſt be content with what his land will yield of itſelf. With this it muſt be conſidered, that at leaſt four fifths of the people in *America*, live upon farms either of their own, or rented, and ſpend their ſmall profits in maintaining their families; and it frequently happens from the length and ſeverity of our winters,

‖ "Further, it may be obſerved, that our lands are not ſufficiently cultivated, even where they are capable of great improvement. Hence large tracts ſerve only to maintain a ſmall number of people. If we aſk, why our lands (meaning in *Scotland*) are ſo ill cultivated, beſides the OBVIOUS CAUSES ariſing from the POVERTY and UNSKILFULNESS of many of our farmers, the SHORTNESS OF THEIR LEASES, and other things which will occur upon the leaſt reflection, it is not a little owing to a want of inclination for agriculture, &c.

DISSERTATION on the numbers of mankind.

that the whole produce of a man's farm is not ſufficient to maintain his family and ſtock. *

We are informed, that an opinion has been induſtriouſly propagated in *Great Britain*, that the colonies are ‡ wallowing in wealth and luxury, while ſhe is labouring under an enormous load of debt. Never was there a greater miſtake. This opinion has ariſen from ſlight obſervations made in our cities during the late war, when large ſums of money

* Small as the value of our land is, it is ſtill daily decreaſing, by the number of markets for their produce being leſſened; which muſt in time give the people an inclination to try what they can make by manufactures.

The *riches* of a people are always in proportion to the number of hands employed in works of SKILL and LABOUR. Where theſe are few, there can be but little wealth; and where there is little wealth, but very ſmall taxes can be born.

‡ "It is certain, that from the very time Sir *Walter Raleigh*, the father of our *Engliſh* colonies, and his aſſociates, firſt projected theſe eſtabliſhments, there have been perſons who have found an intereſt, in *miſrepreſenting*, or leſſening the value of them—The attempts were called chimerical and dangerous. Afterwards many malignant ſuggeſtions were made about ſacrificing ſo many *Engliſhmen* to the obſtinate deſire of ſettling colonies in countries which then produced very little advantage. But as theſe difficulties were gradually ſurmounted, thoſe complaints vaniſhed. No ſooner were *theſe lamentations* over, but *others* aroſe in their ſtead; when it could be no longer ſaid, that the colonies were *uſeleſs*, it was alledged that they were not *uſeful enough* to their mother country, that, while we were loaded with taxes, they were abſolutely free; that the *planters* lived like *princes*, while the inhabitants of *England* laboured hard for a tolerable ſubſiſtence. This produced cuſtoms and impoſitions, which, if grievous to the plantations, muſt turn to our diſadvantage as well as theirs, and conſequently become detrimental to both."

POSTLETHWAYT's univ. dict. of trade and comm.

In

money were ſpent here in ſupport of fleets and armies. Our productions were then in great demand, and trade flouriſhed. Having a number of ſtrangers among us, the people, naturally not ungenerous or inhoſpitable, indulged themſelves in many uncommon expences. But the cauſe of this gaiety has ceaſed, and all the effect remaining, is, that we are to be treated as a rich people, when we are really poor. *Tully* mentions a man who loſt an honourable office, by the homely entertainment he gave the people of *Rome*, when he could have afforded a better; but we have loſt vaſtly more by the imprudent exceſs of kindneſs, with which we have treated the people of *Great Britain* who have come among us, at an expence that did not ſuit our fortunes.

To all the diſadvantages that have been mentioned, it muſt be added, that our markets are much more precarious than thoſe at home. It is computed, that one half of the people there live in cities, and conſequently there muſt be a perpetual domeſtic demand for the productions of the earth; and foreign markets are not far diſtant for the overplus. Here the quantity ſold for conſumption among us is ſmall, and moſt of the foreign markets are very remote.

In purſuance of this deſign to bring down the pride of theſe PRINCELY PLANTERS, ſuch heavy impoſitions were laid in *Great Britain* on tobacco, that the inhabitants of *Maryland* and *Virginia* were diſcouraged from raiſing it. Then the mother country FELT her error, and theſe PRINCES were found to be very poor people. The ſame *unhappy ſpirit* is now producing the ſame miſtake. There wants but a very little more weight upon *Maryland* and *Virginia*, to prevent their raiſing tobacco, and to make them and all their ſiſter colonies ſink under their multiplied burthens.

THESE reaſons induce me to think, that the colonies, unleſs ſome fortunate events, not to be expected, ſhould happen, cannot bear the reſtrictions and taxations laid upon them by their mother country, without ſuffering very ſeverely. What then can we do? Which way ſhall we turn ourſelves? How may we mitigate the miſeries of our country? *Great Britain* gives us an example to guide us. SHE TEACHES US TO MAKE A DISTINCTION BETWEEN HER INTERESTS AND OUR OWN. Teaches! She requires—commands—inſiſts upon it—threatens—compels—and even diſtreſſes us into it.

WE have our choice of theſe two things—to continue in our preſent limited and diſadvantageous commerce—or to promote manufactures among ourſelves, with a habit of œconomy, and thereby remove the neceſſity we are now under of being ſupplied by *Great Britain*.

IT is not difficult to determine which of theſe things is moſt eligible. Could the laſt of them be only ſo far executed, as to bring our demand for *Britiſh* manufactures below the profits of our foreign trade, and the amount of our commodities immediately remitted home, theſe colonies might revive and flouriſh. States and families are enriched by the ſame means; that is, by being ſo induſtrious and frugal, as to ſpend leſs than what they raiſe can pay for.

WE have examples in this province, which if imitated by others, muſt unavoidably produce the moſt happy effects for us: I mean the examples of the induſtrious, frugal, honeſt *Germans*. Their lands are as well cultivated as they can be in this

new

new country, and they have the good ſenſe to require very little proviſions and clothes more than they can get from their own farms, and make with their own hands. If we only conſider for a moment the conſequences of ſuch a conduct, ſhould it be general, we muſt be convinced it muſt produce commerce, ſince all ſuperfluities would be exported; and the Owners having few demands in return, *that commerce* would of courſe produce wealth.

Indeed we ſhall be compelled, I apprehend, generally to imitate theſe examples. The late regulations, and our conſtant remittances to *Great Britain*, have extremely leſſened the quantity of money among us, and yet theſe remittances are not ſufficient to pay for thoſe things we want from home. Neceſſity will teach us two ways to relieve ourſelves. The one is, to keep the *Britiſh* manufactures we purchaſe longer in uſe or wear than we have been accuſtomed to do. The other is, to ſupply their place by manufactures of our own. I don't ſuppoſe our difficulties will *immediately* produce expert artiſts among us; but as the inhabitants here generally reſide on their lands, and live in a plain ruſtic way, they will be able to ſupply themſelves with many articles. Some author, and I think *Keyſler*, ſays, that in *Switzerland*, every family has all the trades in it that are neceſſary for its uſe. Their work is not, it may be preſumed, at all in the taſte of *London* or *Paris*, but it ſerves their purpoſe; and their coarſe clothes and ſimple furniture enable them to live in plenty, and to defend their liberty. Something of this kind will be, nay, already is, practiſed by us. It is ſurpriſing to ſee the linen and cloth that have been lately made among us. Many gentlemen in

this city dreſs now in ſuits produced, manufactured and made up in this province. The cloth is not equal in fineneſs to the beſt broad-cloth, but it is warm, ſtrong, and not very homely; and when the *Britiſh* workmen underſtand that they may meet with better encouragement here than they do at home, I believe in a few years we ſhall have very different kinds of cloth among us from theſe we now make. Inſtances are not wanting to juſtify the moſt ſanguine expectations on this head. *Spain* uſed formerly to be entirely ſupplied with cloths from *England*; but in the reigns only of their two laſt kings, *Philip* the Vth, and *Ferdinand* the VIth, their manufactures have been improved to ſuch a degree, even by that proud and indolent people, that this commerce has entirely ceaſed in moſt parts of that kingdom. The ſame thing has happened in *France*, notwithſtanding the deſtructive wars in which ſhe has been continually involved. *Switzerland* ſome time ago ſpent large ſums of money in foreign commodities; but now they make excellent cloths, and good ſilks, though the ſcheme at firſt laboured under very great difficulties. That country uſed alſo to be ſupplied by *Savoy* with wine; but the Duke laying a duty upon it, the *Switzers* remonſtrated, but in vain. At laſt ſome of the principal men promoted the cultivation of vines, though their predeceſſors had never planted any. The reſult exceeded their hopes. * "The demand for the *Savoyard* wine daily decreaſed, and inſtead of the precarious advantage ariſing from this *impolitic duty*, the certain revenue was *irretrieveably loſt*, and the induſtrious ſubject deprived of the benefit of his labour."

* *Keyſler.*

"BEFORE the ſettlement of theſe colonies," ſays *Poſtlethwayt*, "our manufactures were few, and thoſe but indifferent. In thoſe days we had not only our naval ſtores, but our ſhips from our neighbours. *Germany* furniſhed us with all things made of metal, even to nails. Wine, paper, linens, and a thouſand other things, came from *France*. *Portugal* ſupplied us with ſugar; all the products of *America* were poured into us from *Spain*; and the *Venetians* and *Genoeſe* retailed to us the commodities of the *Eaſt-Indies*, at their own price."

THE aſtoniſhing alterations in all theſe particulars, are too well known to need enumeration.

THESE inſtances, and many others that might be mentioned, may convince us, that nothing is too difficult for men to effect, whoſe hearts are filled with a generous love of their country; and they may convince the world of the dangers that attend provoking innovations in commerce. A branch of trade once loſt, is loſt for ever. In ſhort, ſo ſtrong a ſpirit is raiſed in theſe colonies by late meaſures, and ſuch ſucceſsful efforts are already made among us, that it cannot be doubted, that before the end of this century, the modern regulations will teach *America*, that ſhe has reſources within herſelf, of which ſhe never otherwiſe would have thought. Individuals, perhaps, may find their benefit in oppoſing her uſe of theſe reſources; but I hope very, very few, will wiſh to receive benefits by ſuch means. The man who would promote his own intereſts by injuring his country, is unworthy of the bleſſings of ſociety.

IT has hitherto been thought, by the people of *Great Britain*, and I hope it will ſtill be thought, that ſufficient advantages are derived by her from the colonies, without laying taxes upon them. To repreſent them as an "expenſive appendage of the *Britiſh* empire, that can no other way repay the trouble and treaſure they coſt her," is certainly one of the greateſt errors; and to ſpend much time in refuting this notion, would be unneceſſary. Every advantage accruing to the colonies by their connection with the mother country, is *amply---dearly*---paid for, by the benefits derived to her from them, and by the reſtrictions of their commerce. Theſe benefits have been allowed by the beſt writers to be immenſe, and * conſiſt in the various employment and the ſupport they afford her people. If the colonies enable *her* to pay taxes, is it not as uſeful to her, as if *they* paid them? Or, indeed, may not the colonies with the ſtricteſt propriety be ſaid to pay a great part of thoſe taxes, when they conſume the *Britiſh* manufactures loaded with the advanced prices occaſioned by ſuch taxes? Or, further, as the colonies are compelled to take thoſe manufactures thus † loaded, when they might furniſh themſelves ſo much

* Chiefly; even the ſupplying her with naval ſtores, *&c.* being inconſiderable, when compared with the other advantages.

† "If it be aſked, whether foreigners, for what goods they take of us, do not pay on that *conſumption* a great portion of our taxes? It is admitted they do."

POSTLETHWAYT's *Great Britain*'s true ſyſtem.

By the conſumption of *Britiſh* manufactures in *America*, we pay a heavier tax to *Great Britain*, than if they were conſumed at home. For in the bringing them here, a vaſt number of merchants, factors, brokers and ſeamen are employed,

much cheaper from other countries, may not the difference between theſe prices be called an *enormous tax* paid by them to *Great Britain?* May they not alſo be ſaid to pay *an enormous tax* to her, by being compelled to carry their moſt valuable productions *to her alone*, and to receive what ſhe pleaſes to give for them, when they might ſell them at other markets to much greater advantage? Laſtly, may they not be ſaid to pay a heavy tax to her, in being prohibited from carrying on ſuch manufactures as they could have employed themſelves in with advantage, and thus being obliged to reſort to her for thoſe things with which they might ſupply themſelves? If theſe things are true, and can they be denied! may not the mother country more juſtly be called *expenſive* to her colonies, than they can be called *expenſive* to her?

WHAT would *France* give for ſuch *expenſive* dominions? Would ſhe refuſe the empire of *North America*, unleſs the inhabitants would ſubmit to any taxes ſhe ſhould pleaſe to impoſe? Or would ſhe not rather afford them her utmoſt protection, if ever they ſhould be wretched enough to require

employed, every one of which muſt have ſuch a profit, as will enable him to ſupport himſelf and his family, if he has any, in a country where every thing is dear by reaſon of the high taxes.

So far was the parliament from thinking in the laſt war, that any further taxes ſhould be laid on the colonies, ſo convinced indeed were they that we had exceeded our abilities in the ſupplies we gave to the crown, that ſeveral ſums of money were granted to us as indemnifications for the too heavy expences in which we had involved ourſelves.

The ſums thus given, paid part of our debts, but we are ſtill labouring under the remainder.

it, for one half of the emoluments *Great Britain* receives from them? In ſhort, the amazing increaſe of the wealth and ſtrength of this kingdom, ſince the reign of queen *Elizabeth*, in whoſe time the colonies began to be ſettled, appears to be a ſufficient proof of their importance: And therefore I think it may juſtly be ſaid, that THE FOUNDATIONS OF THE POWER AND GLORY OF GREAT BRITAIN ARE LAID IN AMERICA.

WHEN the advantages derived by the mother country from her colonies are ſo * *important* and *evident*, it is amazing, that any perſons ſhould venture to aſſert, "that ſhe poured out her wealth and blood in the late war, *only for their defence and benefit*; and that ſhe cannot be recompenſed for this expence and loſs, *but by taxing them.*"

IF any man who does not chuſe to ſpend much time in conſidering this ſubject, would only read the ſpeeches from the throne during that period, with the addreſſes in anſwer to them, he will ſoon be convinced *for whoſe benefit Great Britain* thought ſhe was exerting herſelf. For my part, I ſhould not now be ſurprized, if thoſe who maintain the abovementioned aſſertions, ſhould contend, that *Great Britain* ought to tax *Portugal*. For was not that kingdom "defended by the troops and treaſure of *Great Britain?*" And how can ſhe be "otherwiſe recompenſed for this expence and loſs?" If the protection of *Portugal*, though no taxes are received from thence, was beneficial to *Great Britain*, infinitely more ſo was the protection of the colonies.

* Vide notes to page 2.

So

So far I muſt beg leave to diſſent from theſe gentlemen, that if the colonies, by an increaſe of induſtry and frugality, ſhould become able to bear this taxation, it will, in my apprehenſion, notwithſtanding be injurious to *Great Britain*. If the ſum be trifling, it cannot be worth the diſcontent and unhappineſs the taking it will produce among ſo many faithful ſubjects of his Majeſty. If it be conſiderable, it muſt alſo be hurtful in another reſpect.

It muſt be granted, that it is not merely the bringing money into a nation that makes it wealthy, but the bringing money into it by the general induſtry of its inhabitants. A country may perpetually receive vaſt ſums, and yet be perpetually poor. It muſt alſo be granted, that almoſt all the money acquired by the colonies in their other branches of trade, is ſpent by them in *Great Britain*, and finds employment for her people. Whatever then leſſens the ſum ſo ſpent, muſt leſſen that employment. This I think will be one conſequence of the Stamp Act: For our demand will be as much leſs for *Britiſh* manufactures, as the amount of the ſum raiſed by the taxes. So much the fewer *Britiſh* merchants, artiſts, ſeamen and ſhips will be employed by us, and ſo much the more diſtreſſed at firſt, and afterwards ſo much the more frugal, * ingenious, laborious and independent will the coloniſts become.

* *Great Britain* will not only loſe in ſuch caſe, the annual amount of the taxes, but the people of *America* eſtabliſhing manufactures through diſcontent, will in time entirely withdraw their intercourſe with her—And therefore her loſs of the whole *American* trade, may be juſtly attributed to this inauſpicious beginning.

It is evident, from the concurrent teſtimony of her own moſt noted authors on this ſubject, that *Great Britain* is ſure of having our money at † laſt; and it appears no difficult matter to determine, whether it is better to take it in taxes or trade.—Suppoſe the STAMP ACT, enforced by uncommon penalties and unheard of juriſdictions, ſhould pick up every piece of gold and ſilver that ſhall wander into the plantations, what would *Great-Britain* gain by this meaſure? Or rather what would ſhe not loſe, by attempting to advance her revenue by means ſo diſtreſſing to commerce?

BUT if the late reſtrictions ſhall not prove *profitable*, perhaps they may by ſome be called *prudent* for another reaſon. We are informed that many perſons at home affect to ſpeak of the *coloniſts*, as of a people deſigning and endeavouring to render themſelves independent, and therefore it may be ſaid to be proper as much as poſſible to depreſs them. This method for ſecuring obedience, has been tried by many powerful nations, and ſeems to be the conſtant policy of commonwealths: But the attempt in almoſt every inſtance from *Athens* down to *Genoa*, has been unſucceſsful. Many ſtates and kingdoms have loſt their dominions by ſeverity and an unjuſt jealouſy. I remember none that have been loſt by kindneſs and a generous confidence. Evils are frequently precipitated, by imprudent attempts to prevent them. In ſhort, we never can be made an independent people, except it be by ‡ *Great Britain* herſelf; and the only way

† See notes to page 2.

‡ "If we are afraid that one day or other the colonies will revolt, and ſet up for themſelves, as ſome ſeem to apprehend,

way for her to do it, is to make us frugal, ingenious, * united and diſcontented.

BUT

apprehend, let us not *drive* them to a *neceſſity* to *feel* themſelves independent of us; as they *will* do, the moment they perceive that *they can be ſupplied with all things from within themſelves*, and do not need our aſſiſtance. If we would keep them ſtill dependent upon their mother country, and in ſome reſpects *ſubſervient* to their *views* and welfare; let us make it their INTEREST always to be ſo."

TUCKER on trade.

"Our colonies, while they have *Engliſh* blood in their veins, and have relations in *England*, and WHILE THEY CAN GET BY TRADING WITH US, the *ſtronger* and *greater they* grow, the *more* this *crown* and *kingdom* will *get* by them; and nothing but ſuch an arbitrary power as ſhall make them deſperate can bring them to rebel."

DAVENANT on the plantation trade.

"The Northern colonies are not upon the ſame footing as thoſe of the South; and having a worſe ſoil to improve, they muſt find the recompence ſome other way, which only can be in property and dominion: Upon which ſcore, any innovations in the form of government there, ſhould be cautiouſly examined, for fear of entering upon meaſures, by which the induſtry of the inhabitants be quite diſcouraged. 'Tis ALWAYS UNFORTUNATE for a people, either by CONSENT or upon COMPULSION, to depart from their PRIMITIVE INSTITUTIONS, and THOSE FUNDAMENTALS, by which they were FIRST UNITED TOGETHER. *Idem.*

* The moſt effectual way of *uniting* the colonies, is to make it their common intereſt to oppoſe the deſigns and attempts of *Great Britain.*

"All wiſe ſtates will well conſider how to preſerve the advantages ariſing from colonies, and avoid the evils. And I conceive that there can be but two ways in nature to hinder them from throwing off their dependence; *one*, to keep it out of their *power*, and the *other*, out of their *will.* The *firſt* muſt be by force; and the *latter*, by *uſing them well*, and keeping them employed in ſuch productions, and making ſuch manufactures, as will ſupport themſelves and families comfortably, *and procure them wealth too*, and at leaſt not prejudice their mother country.

But if this event ſhall ever happen, which Providence I hope will never permit, it muſt be when the preſent generation and the preſent ſet of ſentiments are extinct. Late meaſures have indeed excited an univerſal and unexampled grief and indignation throughout the colonies. What man who wiſhes the welfare of *America*, can view without pity, without paſſion, her reſtricted and almoſt

"*Force* can never be uſed effectually to anſwer the end, *without deſtroying the colonies themſelves*. Liberty and encouragement are neceſſary to carry people thither, and to keep them together when they are there; and violence will hinder both. Any body of troops conſiderable enough to awe them, and keep them in ſubjection under the direction too of a needy governor, often ſent thither to make his fortune, and at ſuch a diſtance from any application of redreſs, will ſoon put an end to all planting, and leave the country to the ſoldiers alone, and if it did not, *would eat up all the profit of the colony*. For this reaſon, arbitrary countries have not been equally ſucceſsful in planting colonies with free ones; and what they have done in that kind, has either been by force at a vaſt expence, or *by departing from the nature of their government*, and *giving ſuch privileges to planters* as were *denied to their other ſubjects*. And I dare ſay, that a few prudent laws, and a little prudent conduct, would ſoon give us far the greateſt ſhare of the riches of all *America*, perhaps drive many of other nations out of it, or into our colonies for ſhelter.

There are *ſo many exigencies* in all ſtates, *ſo many foreign wars*, and *domeſtic diſturbances*, that theſe colonies CAN NEVER WANT OPPORTUNITIES, if they watch for them, *to do what they ſhall find their intereſt to do*; and therefore we ought to take all the precautions in our power, that it ſhall never be *their intereſt* to act againſt that of their native country; an evil which can no otherwiſe be averted, than by keeping them *fully employed* in ſuch trades *as will increaſe their own*, as well as our wealth; for it is much to be feared, if we do not find employment for *them*, they may find it for *us*. The intereſt of the mother country, is always to keep them dependent, and ſo employed; and it requires, all her addreſs to do it; and it is certainly more *eaſily* and *effectually* done by *gentle* and *inſenſible* methods, than by *power* alone." CATO's letters.

ſtagnated

ſtagnated trade, with its numerous train of evils---taxes torn from her without her conſent---Her legiſlative aſſemblies, the principal pillars of her liberty, cruſhed into inſignificance.---A formidable force eſtabliſhed in the midſt of peace, to bleed her into obedience.——The ſacred right of trial by jury, violated by the erection of arbitrary and unconſtitutional juriſdictions——and general poverty, diſcontent and deſpondence ſtretching themſelves over his unoffending country?

The reflections of the coloniſts on theſe melancholy ſubjects, are not a little embittered by a firm perſuaſion, that they never would have been treated as they are, if *Canada* ſtill continued in the hands of the *French*. Thus, their hearts glowing with every ſentiment of duty and affection towards their mother country, and expecting, not unreaſonably perhaps, ſome marks of tenderneſs in return, are pierced by a fatal diſcovery, that the vigorous aſſiſtance which they faithfully afforded her in extending her dominions, has only proved the glorious but deſtructive cauſe of the calamities they now deplore and reſent.

Yet ſtill their reſentment is but the reſentment of dutiful children, who have received unmerited blows from a beloved parent. Their obedience to *Great Britain* is ſecured by the beſt and ſtrongeſt ties, *thoſe of affection*; which alone *can*, and I hope *will* form an everlaſting union between her and her colonies. May no ſucceſſes or ſuſpicions ever tempt *her*, to deviate from the natural generoſity of her ſpirit---And may no dreadful revolution of ſentiments, ever teach *them*, to fear her victories or to repine at her glories.

I am, &c.

POSTSCRIPT.

I HAVE omitted mentioning one thing that ſeems to be connected with the foregoing ſubject.

WITH a vaſt expence of blood and wealth, we fought our way in the late war up to the doors of the *Spaniſh* treaſuries, and by the poſſeſſion of *Florida*, might obtain ſome recompence for that expence. *Penſacola* and the other ports in that country, are convenient places, where the *Spaniards* might meet us, and exchange their ſilver for the manufactures of *Great Britain*, and the proviſions of theſe colonies. By this means, a commerce inconceivably beneficial to the *Britiſh* ſubjects, might be carried on. This commerce the *Spaniards* wiſh and have endeavoured to carry on. Many hundred thouſand dollars have been brought by them to *Penſacola* to lay out there; but the men of war on that ſtation have compelled them to take back their cargoes, *the receipt of which*, it may from thence be preſumed, *would be deſtructive to the intereſt of Great Britain.*—Thus we receive leſs advantage from *Florida*, now it belongs to us, than we did when it was poſſeſſed by our enemies; for then by permiſſion from the *Spaniſh* governors, to trade there, we derived conſiderable emoluments from our intercourſe with them.

UPON what reaſons this conduct is founded, is not eaſy to determine. Sure no one conſiders *Florida* in the ſame light with *theſe colonies*, and thinks that no veſſels ſhould be permitted to trade there,

there, but *Britiſh* ſhipping. This would be to apply the acts of navigation to purpoſes directly oppoſite to the ſpirit of them. They were intended to preſerve an intercourſe between the *mother country* and her *colonies*, and thus to cultivate a *mutual affection*; to promote the intereſts of *both*, by an exchange of *their* moſt valuable productions for *her* manufactures; thereby to increaſe the ſhipping of both; and thus render them capable of affording aid to each other. Which of theſe purpoſes is anſwered by prohibiting a commerce, that can be no other way carried on? That is, by forbidding the *Spaniards* to bring their wealth *for us* to *Florida*, which is an unhealthy ſand-bank, held by a garriſon, at a great expence of money, and a greater of lives, that cannot for ages, if ever it will, yield a ſingle advantage to *Great Britain*, but *that* ſhe refuſes to enjoy.

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F I N I S.

4

America, North

THE LATE OCCURRENCES IN NORTH AMERICA, AND POLICY OF GREAT BRITAIN, CONSIDERED.

Tantane vos generis tenuit Fiducia Veſtri?
Jam Cœlum Terramq: meo ſine numine, Venti,
Miſcere, et tantas auditis tollere Moles?
Quos Ego, *Sed Motos præſtat componere Fluctus.*

VIRG.

LONDON:
Printed for J. ALMON, oppoſite *Burlington-Houſe* in *Piccadilly.*
M.DCC.LXVI.
[PRICE ONE SHILLING.]

THE

OCCURRENCES, &c.

THE Britiſh colonies in North America were originally eſtabliſhed by Engliſhmen, who fled thither from the enthuſiaſm, tyranny, uſurpation and bigotry, which at different times diſtracted this kingdom; as Engliſhmen, they had a right to the liberties of this nation, and were under the bond of allegiance to it, whereſoever they went. The charters granted to them by ſeveral of our kings, reſerve the one, and confirm the other.

Theſe charters appear to ſome people illegal, and beyond the power of the crown to grant; but, to judge rightly of them, we muſt carry our thoughts back to former times, when the crown had, or pretended to have, all power of government, even of

this kingdom, veſted in itſelf; and had an undoubted ſovereignty over, and right of diſpoſition, of all conqueſts or acquiſitions whatſoever; and beſides, the nature of America was ſuch, that no encouragement could be too great to allure people to thoſe countries and climates, which were then ſo inhoſpitable; but, whether theſe charters are legal or not, ought by no means be queſtioned *now*; for upon the faith of them many people embarked their lives and fortunes, and, taking up their reſidence in the wilds of America, eſtabliſhed colonies, and extended thereby the trade of Great Britain to its preſent greatneſs.

The colonies are ſecured by theſe charters from the deſpotiſm of the crown, of whom they are perhaps as independant, as the inhabitants of Great Britain can be. But from this claim of independance of the crown, which the coloniſts inſiſt on, reſults the neceſſity of a dependance on ſome other power;—found policy, the nature of government and modern colonization require it.—This power muſt be the parliament of Great Britain, which hath, and ought to have, the full and abſolute ſovereignty over all the Britiſh dominions.

If this ſovereignty ſeems lately to have been called in queſtion, it ought by no means to be imputed to the ſpirit of diſloy-

alty

alty or independance, but to thoſe errors which the beſt-intentioned men ſometimes fall into; for evidently ſeeing the futility of thoſe reaſons, which are generally thrown out to prove the right of the ſovereignty of parliament, they have been unhappily led to doubt the right itſelf.

They proteſt againſt the principles of the writers on the laws of nature and nations, as deſtructive of all liberty; the writers on the civil law they conſider as the tools of power; and the writers and expoſitors of the common law of this land had not, they ſay, the colonies of Great Britain in contemplation, when they delivered thoſe *dicta*, which are diſingenuouſly made uſe of againſt them.

They acknowledge, that the people of Great Britain may be either actually or virtually repreſented in parliament, but deny that the colonies can in any manner be conſidered in that light: the putting them on the ſame footing with Birmingham, Mancheſter, and Leeds, rich and flouriſhing towns, when an argument is to be raiſed againſt their liberties, and denying them in the ſame breath, the right of Old Sarum, Aldborough, and fifty other impoveriſhed boroughs, is moſt ridiculous and unfair. The comparing them to copyholders, formerly in the vileſt bondage, and therefore particularly excluded the leaſt ſhare in go-

vernment, they conſider as an inſult; the treating them as women, as infants, and the dregs of the city of London, is a plain declaration of your opinion, that they are without property and integrity, will or capacity, to reconcile them to the want of repreſentation. You tell them, not one third of the kingdom is repreſented; but they deny it, and inſiſt with Mr. Blakſtone, in his late maſterly performance, " that ſuch " *only* are entirely excluded from the right " of voting, as can have no will of their " own, and that there is hardly a " free agent to be found, but what is " entitled to a vote in ſome place or other " in this kingdom." Have we, ſay the Americans, no wills of our own? Are we not free agents? but could it be proved, that not one third part of the kingdom have a right of voting, yet it would not avail, unleſs you ſhewed at the ſame time, that the intereſts of all the kingdom was not the ſame; that the repreſentatives of the third part of the kingdom had no knowledge of, and therefore neglected or injured the intereſts of the other two; you muſt ſhew likewiſe, that the intereſts of minors and women, copyholders and the loweſt handycraft man in the kingdom, are not interwoven with the intereſts of every family and man in the kingdom; you muſt ſhew too, that minors and women have

have no relations, and that their eſtates give them no influence; that the ſame man who was a copyholder, might not have freehold lands; and that a tax upon trade is not felt by any but the merchant and manufacturer.

The comparing them to Jerſey and Guernſey, the miſerable remains of your Norman dominion, and mere appendages of the crown, cannot ſubject them to the ſame laws; and that even Ireland itſelf, which is looked upon as a conquered country, ought not to be mentioned as a rule for your conduct towards the colonies, which were originally eſtabliſhed by Engliſhmen, with aſſurances of the fulleſt enjoyment of liberty. But that, with regard to Ireland itſelf, tho' the ſovereignty of the parliament of Great Britain over it is plainly aſſerted, yet you are very cautious in the exerciſe of it, particularly with reſpect to internal taxation.

Theſe reaſons, which are generally urged as a ſufficient ground for eſtabliſhing the right of the ſupremacy of the parliament of Great Britain over the colonies, not being quite ſatisfactory to the Americans, they have been led to queſtion the right itſelf, and conſidering the grounds thereof, and the principles of the Britiſh conſtitution, they have taught themſelves to think,

That whatever affects all, ſhould be debated by all, ſo that knowledge and mutual intereſt

intereſt will prevent miſtakes and partiality; that it is not to be imagined every repreſentative of the people of Great-Britain has a knowledge of America, for tho' they may have taken much pains in croſſing the Alps, and had much pleaſure in converſing with the Ciceroni of Rome, yet it is poſſible they may be entirely unacquainted with the condition of New England, and the nature of lumber. That if a tax is laid on any branch of buſineſs, or upon a particular part of Great Britain, a knowledge can be ſoon had of the propriety and expediency of it: that the intereſts and condition of America is but little known: that no impoſition can be laid on one part of the kingdom, without affecting the reſt: that the taxing America falls ſolely upon that country, without affecting Great Britain, which aſſumes that power for its own peculiar eaſe and emolument, which is not a very delicate light to conſider this country in. That countries and places, which have particular intereſts to ſupport, ought to be repreſented in parliament: that it was on this principle the two Univerſities had the power given them of electing members; and that if a body of people are to be taxed by laws, which they have actually no ſhare in making, the ſame miſchiefs will enſue which are marked in the preamble to 34 and 35 H. viii. c. 13. which gave a right to the city of Cheſter of chuſing repreſentatives,

preſentatives, " That the inhabitants there-
" of have been oftentimes touched and
" grieved with acts and ſtatutes made with-
" in the ſaid court of parliament, as well
" derogatory unto the moſt antient juriſ-
" diction, liberties, and privileges thereof,
" as prejudicial unto the *common weal, qui-*
" *etneſs, and peace,* of his Majeſty's ſub-
" jects."

If then the ſovereignty of the parliament of Great Britain over the colonies is founded on policy of government, and not on the principles which demand the ſubmiſſion of the inhabitants of Great Britain to the laws, namely, their conſent to them, as either actually or virtually repreſented in the making of them, it behoves thoſe who have this right to be particularly attentive in the exerciſe of it. And for that purpoſe, it is their eſſential duty not to deſpiſe the colonies, but to attain the beſt knowledge of them in their power: not to conſider them as a ſet of vagabonds and tranſports, but an induſtrious, honeſt, and free people.

And in a word, not to adopt any ſyſtem of partiality or prejudice, of ſuſpicion or contempt, the marks of a wicked and weak miniſtry, but in all inſtances to treat them with tenderneſs and liberality as fellow ſubjects, and be convinced and act accordingly, that the intereſts of Great Britain, and its American colonies, are inſeperable, and that the

the advantages of the one will not be eventually promoted, if the intereſts of the other are ſacrificed to low and temporary expedients, and on the ſpur of particular occaſions.

Should this ever be the caſe, we ought not to be ſurpriſed they ſhould loudly complain and boldly proteſt againſt being made the property of an unpopular miniſter, who, unable to raiſe the neceſſary ſupplies in Great Britain, ſhould ſeize on the friendleſs and unſupported Americans, and propoſing plans of œconomy to this country, and pretending an extraordinary ſagacity into future events, ſhould form a ſyſtem deſtructive of public confidence, and the commercial intereſts of both countries.

But it is urged, that however this right of parliament is founded, the Americans openly declare againſt it; and inſolently claiming an independency, they are guilty of treaſon, and ought to be treated as rebels.

But nothing can be more unadviſeable than the making uſe of opprobrious expreſſions, and the utmoſt exertion of power againſt ſuppoſed action, the nature and complexion of which we have no authoritative judgment of: the late occurrences in North America are of that kind, we neither can, nor ought to give a particular name to them, until we have information of their motives:

for

for ſhould we raſhly and falſly brand the conduct of any part of his Majeſty's ſubjects with odious appellations, it will appear to every one as proceeding from the malice and indignation of party: but ſhould we act ſo very injudiciouſly, as not only to call, but treat our American brethren as ſeditious, revolting, and rebellious, at a time when nothing can be farther from their thoughts, we muſt expect our want of charity in ſpeech and violence of conduct will be reſented by that ſpirit, which virtue and loyalty, once queſtioned, cannot help ſhewing. And how much would they have to anſwer for, whoſe blindneſs and obſtinacy brought on an actual defection of as beneficial and as loyal a part of the dominions of this kingdom as his Majeſty can glory in? But ſhould the colonies be really averſe to this government, and ſhould we have full proof of their inclination to fall off from that duty and affection they have hitherto ſhewed, ſeverity and rigour would be exerted even then too ſoon, if we heard not their grievances, and cordially endeavoured to give a reaſonable ſatisfaction to their juſt complaints; for tho' we live in ſociety, we muſt attend to the feelings of nature; and as we live in a land of liberty, we muſt make ſome allowances even for the groundleſs reſentments of freemen.—Our news papers and coffee-houſe politicians have been lately full of invectives

againſt the diſpoſition and conduct of the Americans, and uſing foul mouthed reproach, and inſtigating the moſt violent methods, ſeem to be endeavouring to drive matters to the worſt and laſt extremity, a civil war: and yet the ſame news papers and coffee-houſe politicians, not long ſince, made uſe of every plauſible turn, and every palliative, to excuſe, nay, to juſtify the chicanery of the French, in not paying the Canada bills; and the want of honour and humanity of the Spaniards, in refuſing to diſcharge the ranſom of Manilla. Theſe two nations were lately declared enemies to Great Britain, and will ever be the oppoſers of her intereſts; and yet we treated both with tenderneſs, politeneſs, and condeſcention, becauſe we were by all means to avoid a war, though nothing can be worſe policy than to preſerve the public repoſe by yielding any point of intereſt or honour. What can we think of ſuch men and ſuch politics? they paſs over unnoticed the open violations of ſolemn treaties, and blacken with ſcurrility and ignominy actions and men, whoſe motives and temper they are groſsly ignorant of. A war is to be carefully avoided, in their opinion, with aliens, and the eternal enemies and rivals of this kingdom, but to be immediately entered into, and purſued with rigour and vengeance againſt its deſcendants and ſubjects. A civil war is perhaps

haps in their notions leſs injurious to the happineſs and intereſts of a people than a national one; but I hope Great Britain will never be governed by ſuch men, and ſuch politics; the preſent times, I am ſure, do not require ſuch councils.

The critical ſituation we are in demands deliberation and tenderneſs, and not raſhneſs and violence; we ought to act diſpaſſionately for the mutual intereſts of both countries, and not in a ſpirit of party to the public confuſion. We ought to conſider the object for which our colonies were eſtabliſhed, and how far it has been purſued and encouraged, or neglected and ruined; we ought to be fully acquainted with the temper and condition of thoſe who compoſe them, and of what benefit they have been, and what diſpoſition they have had hitherto to this kingdom; but we ought above all things to weigh in our minds, over and over again, the probable and poſſible conſequences of treating thoſe as enemies who have it in their power to be our moſt beneficial friends: we muſt conſider, whether the terror of arms ever convinced the judgment, and conciliated the affections, and whether the Americans can, or will, ever be cordially united to you, if moderation, the beſt means of governing, is called puſillanimity, and looked upon as below the dignity of autho-

rity. Should compulſory means be determined on as abſolutely neceſſary to quiet the Americans, the die is caſt, *aut Cæſar aut nullus*. Every man of the leaſt experience in Great Britain knows the conſequence; every man in America trembles at it; it will be the ruin of both countries. It is probable indeed, conſidering the weakneſs of the Americans, that Great Britain will come off triumphant in the conteſt, but the victory will be truly deplorable. Should it be doubtful for any time, that alone will make you repent your recourſe to violence; but ſhould you ſucceed at laſt, all confidence and cordiality being interrupted, you neither can, nor will, treat the Americans for the future as ſubjects, but will reduce them to the moſt implicit obedience. But remember, that though the Americans are naturally good ſubjects, they will ever be bad ſlaves, the difficulty will be great to keep them in the irkſome ſtate of ſervility, and the expence and watchfulneſs neceſſary for it will entirely exhauſt you: for though the Engliſh, as it is ſaid, will, when they ceaſe to be freemen, be the moſt abject ſlaves the Americans, on the contrary, ſhould they now be reduced to that miſerable ſtate, will ever retain a ſpirit for, and longing after liberty; and the difference between the temper of the two people in this deplorable event, will be owing to the different cauſes

which

which produce it. Whenever the people of this iſland ceaſe to be free, it will be when they are ſo thoroughly corrupted, as baſely to betray their own rights, and become willing ſlaves; but the Americans now have the independance which a bountiful nature gives, and the ſtrongeſt ſenſe of liberty; and therefore force alone can deprive them of their enjoyment of it. I ſaid it was probable that Great Britain would at laſt be triumphant, but it is poſſible that her moſt vigorous efforts may be baffled; notwithſtanding the greatneſs of her power, and the weakneſs of America.

Every war is doubtful, power has frequently ruined itſelf by confidence, and weakneſs grown ſtrong by deſpair. Hiſtory affords many examples to prove the truth of this obſervation: the eſtabliſhment of the United Provinces, about two hundred years ago, is an inconteſtable one; and is well worthy of our particular attention at this time; for it will enable us to obſerve the conſequences of weak or violent councils, of corrupt or ill conduct, of faction or obſtinacy, which weakens and diſſolves the firmeſt government; and if our condition is ſo critical, as to confound even the beſt heads and beſt hearts in the kingdom, in determining what ought to be done, to extricate us from our difficulties; the riſe and progreſs of the diſturbances in the Low Coun-

Countries will inſtruct us at leaſt in the negative kind of knowledge, of what ought not to be done. Some people may, perhaps, imagine, that the wiſdom, thus attained, is at beſt very uncertain; for tho' all things are poſſible, and what has been, may be; yet hardly any one thinks he is liable to the ſame miſery another has fallen into, becauſe a change in time, fortune, condition, and a variety of other circumſtances, make him an exception to the former rule. But the truth is, that ſo long as human nature continues what it is, the ſame cauſes will generally produce the ſame effects; at leaſt it will be conſiſtent with human prudence, to conduct ourſelves as if they would, when the circumſtances of the times are ſuch, as to leave us no other rule to go by.

The Spaniſh monarchy was, about the year 1559, when the peace of Cambray was made, the moſt reſpected power in Europe. Spain, the Milaneſe, the Two Sicilies, the Low Countries, and the new diſcovered World, were the formidable members of it: the ambition of France was checked, it held Italy in awe, and England was ſubſervient to its purpoſes; conſiderable acquiſitions were made by the peace, beſides the particular objects of the war.

Thus circumſtanced, Spain had nothing to do but, by cultivating the arts of peace, eſtabliſh its extenſive empire on the firmeſt foun-

foundation. But, unfortunately, the peace of Cambray, which reſtored quiet to all the declared enemies of Spain, produced animoſities, civil diſſentions, and open ruptures amongſt her own ſubjects, to the miſery of individuals, and diſmemberment of the empire.

The means by which this ſignal ruin was brought about, may be worth inveſtigating. The firſt blow given to it, came from a quarter the leaſt expected, from its weakneſs and former loyalty of conduct towards Spain. But there is nothing ſo unlikely, which particular accidents may not produce; and the greateſt empires have fallen, by means apparently the moſt contemptible.

The Low Countries, which were divided with many ſtates, with diſtinct governments, were over-run by the northern nations, who ravaged the greateſt part of Europe, particularly the Saxons, who, fierce in arms, eſtabliſhed and maintained freedom whereſoever they went; for, fighting without pay, and not for the ambition of another, they conquered for themſelves, and were therefore attentive to ſecure the public liberty againſt the artifice or violence of thoſe who might claim a ſuperiority over them. As they were bred to arms, they never forgot the uſe of them, and kept themſelves free thereby from open inſults; and, leſt cunning and time ſhould injure

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their rights, they claimed and exerciſed the greateſt liberties; and, amongſt the reſt, the right of determiding diſputes about the ſucceſſion of their princes, when doubtful or controverted; and deciding thoſe between the ſeveral towns, of raiſing a militia for defence of their countries, in a war amongſt their neighbours; of adviſing, in time of danger abroad, or diſcontents at home; and upon any new impoſition that was neceſſary upon the people: the uſe of the free aſſemblies was another of thoſe liberties, whereof the inhabitants of thoſe provinces were fond and tenacious. Theſe rights ſeem to be eſſential to contribute them freemen, but there were other conceſſions and graces from their princes who ruled over them, which, being once granted, they had a full and complete title to.

Their wars, which were generally ſhort, were with princes and competitors of their own ſize and ſtrength, unleſs indeed they fell into the quarrels of England and France, and then they were engaged on the ſkirts only, the groſs of it being waged between the two kings, and their ſmaller ſtates were made uſe of for the commodiouſneſs of a diverſion, rather than any great weight they might have in the main of the affair.

The mighty growth of the commerce of this extenſive country (attributed by Commines to the goodneſs of the princes, and the

the eaſe and ſafety of the people) enabled Spain, into whoſe hands it came, to be a match for France. Philip of Burgundy eſpecially was a wiſe and good prince, loved by his ſubjects, and eſteemed by his enemies; and taking his meaſures ſo well upon the decline of the Engliſh greatneſs abroad, by their diſſentions at home, ended his quarrels in France, by a ſafe and honourable peace; "ſo that he took," Sir William Temple ſays, "no pretence from "his greatneſs, or his wars, to change any "thing in the form of his government;" but Charles, the Hardy, aſked frequent and heavy contributions, which, gained at firſt by the credit of his father's government, and his own great deſigns, but at length rendered his people diſcontented, and himſelf diſeſteemed and unfortunate. In the time of Maximilian, ſeveral bodies of German troops were brought down into Flanders for their defence againſt France; and in the time of Charles V. a much greater number of Spaniards and Italians were introduced on the ſame account; but theſe demands of money, and theſe grievances by the introduction of ſoldiers, gave occaſion to no diſturbances at firſt, for Charles was of a generous and gentle nature, and dying, left to Philip the Second the Seventeen Provinces, in a condition as peaceable and loyal as either prince or ſubject could deſire; but

being ſoon treated with various marks of contempt and diſtruſt, and the foreign ſoldiers and thoſe exactions which the war had made neceſſary, and therefore readily ſubmitted to, being continued, the inhabitants of the Provinces withdrew that affection and attachment they had hitherto ſhewed upon all occaſions.

The government of the Low Countries being beneath the immediate conſideration of the Auſtrian greatneſs, the whole was devolved on the Dutcheſs of Parma, aſſiſted by the *Cardinal de Granville*, who being the adviſer of the continuation of the foreign troops and exactions of money for their ſupport, was looked upon as the chief promoter or inſtrument of their oppreſſions, and not of their defence, when a general peace had left them no enemies to fear.

The people complained with a general conſent and paſſion, and the States enforced their complaints by concurring with them; but all uneaſineſs and remonſtrances being diſregarded, the provinces firſt contriving various delays, abſolutely refuſed at laſt to raiſe any more money for the pay of the Spaniſh troops; and ſuch was the univerſal deſpair, that, neglecting their dikes, they declared they had rather be drowned by the ſea, than held in ſubjection by the foreign forces.

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This ſpirit of the people, alarming the court, the troops were recalled, and thereby the public tranquility reſtored.

But it was interrupted in the year 1565, by the reſolution that was taken to annul all the laws, impoſe arbitrary taxes, create new biſhops, with their ſpiritual courts, and judges, at the will of the king, or pope, and above all to eſtabliſh the Inquiſition, that extraordinary court of judicature, contrary to the ancient laws and cuſtoms of the country, and which they could not introduce into Milan or Naples; and, to ſum up the whole, all theſe violations of public and private liberty, of temporal and ſpiritual rights, were to be aſſerted aud maintained by the hangman and foreign troops; means which, Sir William Temple ſays, " are " commonly made uſe of to ſuppreſs civil " commotions, but were, in this inſtance, " the occaſion of. their breaking out in " Flanders."

For the principal lords meeting together at Bruſſels, repreſented their rights and infringements thereof to the Governeſs.— " This congreſs," ſays Voltaire," " was " called a conſpiracy at Madrid, but was " conſidered in the Low Countries as a " moſt lawful act; and it is certain the " confederates were not rebels."—Their petitions being liſtened to, and the rigour of the edicts about religion and the In-

quiſition being remitted, all noiſe of diſcontent and tumult was appeaſed, and the governeſs was both obeyed and honoured.

But it being ſoon after diſcovered, that the blackeſt deſigns were formed by the court of Madrid, who diſavowed the former moderation and juſtice, the provinces were ſtruck with aſtoniſhment; but that ſoon gave way to rage, which began to appear in their looks, their ſpeech, their bold meetings and libels, and was increaſed by the miſerable ſpectacle of innumerable executions. And what added inſult to oppreſſion was, Philips inſiſted that he was abſolved from thoſe oaths, whereby he confirmed their liberties, by the ſupreme power of the Pope. "This reaſon (ſays Voltaire) "might poſſibly have great weight with "Roman Catholics, but naturally enraged "the Proteſtants, and confirmed them in "their diſaffection."

In the beginning of the year 1566, there appeared in the citizens an open contempt of authority; executions were hindered, officers abuſed, and priſons forced. This was followed by a confederacy of the Lords never to ſuffer the inquiſition in the Low Countries, as contrary to all laws, ſacred and prophane, and exceeding the cruelty of former tyranny. Upon which, all reſolution of force or rigour growing unſafe for government, the Ducheſs of Parma was obliged

obliged to uſe gentle methods, and promiſe, with the concurrence of the court of Spain, a full redreſs of grievances; but whether a redreſs was never intended, or from the dilaterineſs of Spaniſh councils was deferred too long, it certainly came too late; the flame broke out, and the revolt appeared univerſal.

But the richer and more prudent men of the provinces, particularly the Prince of Orange, and the Counts Egmont and Horne, feeling the ill effects, and abhorring the rage of popular tumults, as the worſt miſchief that can befall any ſtate, exerted their utmoſt vigour, loyalty, and that influence which the public affection gave them, to appeaſe the general diſcontent; by which means, and the prudent and moderate management of the governeſs, all the provinces were reſtored to their former peace, obedience, and appearance at leaſt of loyalty.

But ſcarce was this happy event brought about, when the arrival of the Duke of Alva, with ten thouſand of the beſt Spaniſh and Italian ſoldiers, under the command of the choiceſt officers which the late war had bred up, ſtruck all the Low Countries with aſtoniſhment, ſubmiſſion, and deſpair.

The trading part of the town and country retired out of the provinces in ſuch vaſt numbers, that in a few days one hundred thouſand people, taking their money and

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The trading part of the town and country retired out of the provinces in ſuch vaſt numbers, that in a few days one hundred thouſand people, taking their money and

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effects, abandoned their country. "So "great antipathy ever appears (ſays Sir "William Temple) between merchants "and ſoldiers, the firſt pretending to be "ſafe under laws, which the other makes "ſubject to his ſword and his will."

The Dutcheſs of Parma, who was always for the mildeſt meaſures, thought the public tranquility ought not to be diſturbed by new oppreſſions, nor the royal authority leſſened by being made a party to a war againſt its ſubjects, conſtantly diſſuaded againſt the preſent conduct; but her advice being diſregarded, ſhe retired from the government of the Low Countries, not chuſing to be anſwerable for meaſures ſo pernicious to the public intereſt.

The provinces had demanded, ſome time before, the recall of the Cardinal de Granville, who returning to Madrid, hated by, and hating the country he came from, influenced the court in all its meaſures, and the Duke of Alva, inveſted with unuſual powers, exerciſed them accordingly with the utmoſt rigour in violation of the laws of the country and humanity, and to the diſhonour of the King, and the ruin of the Auſtrian greatneſs.

The miſery which theſe councils introduced are ſo ſhocking, that we cannot read of them, even at this day, without horror and deteſtation.

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"The towns (ſays Sir William Temple) "ſtomached the breach of their charters; "the people of their liberties; the Knights "of the Golden Fleece the charter of their "order; all complain of the new and odi- "ous courts of judicature; of the diſuſe of "the ſtates, and introduction of the forces; "but all in vain, the King was conſtant to "what he had determined, the Duke of "Alva was in his nature cruel and exora- "ble; the new army was fierce, brave, and "deſirous of nothing more than a rebellion "in that country; the people were in a "rage, but awed and unheaded; all was "ſeizure and proceſs, confiſcation and pu- "niſhment, blood and horror, inſolence "and dejection, puniſhments executed, and "meditated revenge."

The council of Blood, which Alva had eſtabliſhed, ſoon lopt off the leſſer branches, but the greater took longer time in hewing down; but at length the Counts Egmont and Horne, notwithſtanding their merits to the crown of Spain, and earneſt ſollicitations from all quarters in their favour, were ſacrificed to the ſpirit of pride, cruelty, and diſtruſt.—Their blood was the firſt cement of the republic of the united provinces.

William Prince of Orange, an anceſtor of our great deliverer, finding his life ſought after, fled into Germany, being unable, without one foot of land, and without men

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or money, to oppoſe his country's enemy—but perſecution ſupplied him with every thing, it collected friends, it raiſed contributions, it gave reſentment, and that inveterate courage called deſpair, but being weak he was hardly ever ſucceſsful againſt his potent enemies, who inſulted over the liberties of his country in the groſſeſt manner, and moved with no remorſe, and terrified by no threats from a broken, divided, and unarmed people, and thinking forms and meaſures were not now neceſſary to be obſerved, demanded a general tax of the hundredth part of each man's property to be raiſed immediately, and for the time to come the twentieth of all immoveables, and the tenth of what was ſold.—" It was wonderful (ſays " Voltaire) that the maſter of Mexico and " Peru ſhould be thus impoveriſhed, as to " ſtand in need of ſuch taxes."—This rapacity and injuſtice compleats the general diſſatisfaction, the popular fury is almoſt incredible, the ſluices are opened regardleſs of themſelves, ſo that the enemy is overwhelmed, the women liſt in companies, repair breeches, give alarms, and beat up quarters ; the Duke of Alva in return ſlaughters innocent perſons of both ſexes without remorſe, and both ſides give into the moſt horrid practices and returns of ignomy, cruelty, and ſcorn—the unavoidable conſequences of civil diſſention—but this is

a ſcene

a ſcene too dreadful to be long dwelt on. In ſhort, therefore, the Auſtrian greatneſs, after having tried every method which force, policy, and wickedneſs could ſuggeſt to reduce its revolted ſubjects, was obliged at laſt to treat with, and acknowledge them, in the moſt humiliating manner, as a free and independent people.

It is not to be imagined however, that natural courage, or even deſpair, could have brought the affairs of the united provinces to this fortunate concluſion, if they had not been ſometimes underhand and at other times openly aſſiſted and ſupported by the other powers of Europe, who envied or dreaded the greatneſs, which Spain had attained to by the peace of Cambray.

Many obſervations might be made on this detail of the riſe and progreſs of the diſturbances in the Low Countries; one is moſt obvious, which is: That the impoſing taxes and introducing troops into the country, when a general peace made both unneceſſary, were the firſt grounds of diſcontent, which was fermented by eſtabliſhing biſhopricks and judicatures, unknown to the antient laws and cuſtoms, and queſtioning at the ſame time thoſe rights and charters which the people claimed from their former princes; but that the general uneaſineſs, occaſioned by this conduct, might have been eaſily appeaſed, if the miſtakes in government had

been corrected in time: The dutcheſs of Parma, wiſe and moderate in her diſpoſition, adviſed it; but the cardinal de Granville, thinking his reputation for integrity, ſagacity and knowledge, depended on the proſecution of thoſe meaſures he had formerly adviſed, ſtrenuouſly oppoſed every mitigation, and inſiſted on the vigorous execution of the edicts.—This violence the times would not bear—and therefore the loſs of the United Provinces, with their extenſive and beneficial trade, muſt be imputed to this *one man*.

A ſerious conſideration of this remarkable event in hiſtory ought to alarm thoſe, who now ſeem eagerly bent to drive things to extremities. But perhaps, however paſſionate they may appear in ſpeech, they are in their own natures timorous, and would be fearful of anſwering for the effects and conſequences of thoſe violent councils which they give to others. Should this be the caſe, their conduct muſt be imputed to the rage and indignation of party and diſappointed ambition. It is in vain then we trouble ourſelves with ſuch men, but let us rather apply to thoſe whoſe principles are founded on liberty, and are guided by moderation; and thoſe who have inclination as well as abilities to extricate this kingdom and its dominions from their preſent confuſion and miſerable condition.

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The diſcontent and uneaſineſs, ſo univerſal amongſt his Majeſty's ſubjects in North-America, cannot but have the worſt effects on the intereſts of both countries; it would therefore be the honeſt part of all the ſubjects, on both ſides of the Atlantic, to endeavour to appeaſe the preſent ferment: For ſhould it be increaſed, or even be kept up to the pitch it now is at, the conſequences will be moſt ruinous. If it ariſes from the ſpirit of abſolute independance, that ſpirit ought to be checked; but if from an injudicious conduct and hard and undeſerved treatment from this country, that conduct and treatment ought to be changed.

The loyalty of the American colonies, has, till very lately, been unimpeached; they have diligently laboured for you in peace, and zealouſly co-operated with you in war; deſcended from this country, they have the ſtrongeſt attachment to it; and cloſely connected with it, all their produce centers here; they glory in the ſame king, have the ſame religion, and claim a right to the ſame liberties. Theſe are ſtrong motives of affection to you, but ſhould theſe ties be looſened, the difficulty of ſucceeding in the attempt of independency is ſo great, that nothing but the moſt unhappy times can force them to venture on it; but, I muſt confeſs, the beſt ſecurity this country can have of the obedience of the Americans, is their con-

viction of your good intentions towards them; for deſpair will give ſupernatural ſtrength.

Weak as they really are, ſhould ever their fidelity be ſhaken, they will ſoon become ſtrong by the malicious aſſiſtance of your rival neighbours, who will offer their ſervice with eagerneſs to your revolting ſubjects, and then contending with the powers of Europe, and with enemies ſtill more hoſtile, becauſe, actuated by deſpair, the event will be doubtful.

However, the imagination of thoſe people, who think that America will one day or other be independant of Great-Britain, is certainly not groundleſs.

But this is no ſufficient reaſon for fear, for this independance can hardly be brought about until ſome general calamity falls on Europe, or the protection which the colonies now claim from their ſeveral mother countries, is denied, or unable to be given from the particular diſtreſſes at home, power is ſubject to change; it is the natural courſe of things. The grandeur of the Roman empire is annihilated, and this iſland, formerly a province to it, and looked upon as almoſt out of the world, has a greater dominion than Rome ever prided itſelf in, and is now the centre of riches and authority. May it ever continue ſo! Nothing but its own bad policy can prevent it, the fear

of evils may produce them, as the dread of death frequently puts a period to life.

There are indeed a ſet of men, who from dullneſs being totally ignorant of the colonies, or from pride, aſhamed to have a knowledge of them, talk of what *we*, for ſuch is their language, have done for them; what money *we* have ſpent; what blood *we* have laviſhed; and what trouble *we* have had in eſtabliſhing and protecting them to this day; and after a thouſand ſuch ſelf applauſes, declaiming againſt the baſeneſs ingratitude and rebellion of an obſtinate, ſenſeleſs and abandoned ſet of convicts, declare, if they had the government, they would—they know not what they would—Theſe therefore ſo preſuming and uninformed, it muſt be confeſſed, the Americans acknowledging only the authority of the parliament of Great-Britain, diſclaim even now all ſubordination.

The duties of a mother country and its colonies are reciprocal; the one expects encouragement and protection, and the other claims and ſecures to itſelf every advantage that an extenſive commerce can produce. I will not make any compariſon between Great-Britain and her American ſettlements, or ſay which of them has been moſt attentive to the diſcharge of their ſeveral duties. It would irritate perhaps one ſide or other; and this is not my inclination or deſign, but the

the Americans ought not to be accuſed of ingratitude, the exports and imports of Great-Britain will free them from that charge. If it is expected they ſhould for the future protect themſelves, it will, I am afraid, give them at leaſt that independance of mind, which a man, who hopes for no favours, generally has. It is poſſible indeed they may feel your coolneſs towards them in a worſe light: for recollecting the immenſe ſums of money you have ſpent in the defence of the Germans, Dutch, and Portugueſe, and indeed of almoſt all the other nations of Europe they think they have an equal right to your protection.

You have entered, ſay they, into the wars of theſe aliens to ſupport a fanciful balance of power, and that too with a profuſion of blood and money which has aſtoniſhed Europe; but repine at, and grudge the expence of defending your brethren, and your eſſential commercial intereſts in America. It is perhaps difficult for an Engliſhman to account for this conduct upon the common principles which actuate the world; but the Americans imagine they ſee the grounds of it.

The miniſtry of Great Britain, they ſay, being taken up with the more arduous affairs of Germany, and the ſtruggles of parties at home, neglected America; the value of which was unknown until France gave

you

you an idea of it, by endeavouring to take it from you. This rouſed the Britiſh nation, who, immediately ſeeing its importance, thought *ea neglecta civitas ſtare non poſſit.* The war, thus undertaken for the defence of your eſſential intereſts, was proſecuted with vigor, and its conſequential ſucceſs gave you a right to demand much more than the original objects of it. The Americans, who had exerted themſelves to the utmoſt, as in a public cauſe they were bound to, flattered themſelves that the peace would have enabled them to recover their ſtrength, by eſtabliſhing and extending their trade, which had been almoſt ruined during the courſe of the war; but unhappily for them, ſcarce had hoſtilities ceaſed againſt France and Spain, the declared enemies of Great Britain, but the cry was—INTUS EST HOSTIS.

We at once became ſeized with fear and jealouſy of our fellow ſubjects in America; for, viewing a map made on a large ſcale, we found them ſeated on an extenſive continent, which, we heard, nature had done much for, and which we dreaded, leaſt time ſhould eſtabliſh into an empire of dangerous conſequence: we ſaid we had ruined ourſelves for the ſake of America, which would one day or other be the ſcourge of Europe; and that the blood we had ſhed would nouriſh a viper, which would ſting us to death. Thus, jealous of our fellow ſubjects, we repented

of

of what we had done; and, fearful of the ſtrength which ſecurity from future encroachments would naturally increaſe, it was determined, ſay the Americans, to keep the colonies in that kind of dependance which is occaſioned by weakneſs and poverty, and not in that ſubordination and obedience which ariſes from gratitude and the voluntary duties of children to parents.

It is this ſyſtem of policy, founded on our jealouſy and diſtruſt, that is the ground of the preſent diſcontent in America; for nothing can be more natural, than that jealouſy and diſtruſt on one ſide, ſhould produce on the other the ſame bad and illiberal qualities, to the interruption of the moſt cordial friendſhip, and breach of the ſtrongeſt duties.

It is to this policy they impute the ruin of the Spaniſh trade, by the royal navy of Great Britain acting in the ſpirit of the Guarda Coſtas of Spain. It is true indeed the impropriety of this conduct was ſeen when we found it muſt ultimately affect ourſelves; and, therefore, though the act is ſtill in force, the execution of it is ſuſpended; but the condition of the Americans is bad indeed, for the blow aimed at them, took place! and the dagger remaining rankles in the wound.

The rumour of quartering ſoldiers on private houſes, on the ſtale plea of neceſſity, which

which may be urged, and generally is ſo, to juſtify the worſt actions; the erecting of civil law courts; the eſtabliſhing of an army, when all danger of an enemy is removed; the reaſons which are generally urged for laying taxes on the colonies, namely, that the war was undertaken on their account; that Great Britain is exhauſted, and that America is enriched by it, and therefore ought to pay its proportionate ſhare, have alarmed them greatly, and given them fears which make them jealous of every ſtep you take. They inſiſt, if ever Great Britain had a war peculiarly her own, the laſt was; her eſſential and not fanciful intereſts being deeply concerned in it; and that it was as little undertaken for America, as that you ſent forces to Portugal for the ſake of that kingdom: they deny that Great Britain was exhauſted by it, notwithſtanding her pretended, or even real want of money: the pretended want was raiſed by the clamour of party and ſtock-jobbers, and the real one was owing, not to a decay, but increaſe of trade; which your unparalleled ſucceſs occaſioned, demanded greater capitals than uſual. They declare they exerted themſelves to the utmoſt they were able; that their public and private debts, and the deſtruction of their inhabitants, ſhew it; and that as they are obliged to conſume the manufactures of Great Britain, they actually, though not named by

the parliament, pay every tax which is laid on Great Britain.

I mention theſe grounds of their preſent uneaſineſs without any endeavour to ſhew their reaſonableneſs; but I muſt beg leave to inſiſt, though it ſhould be allowed, the war was undertaken merely for the ſake of the Americans, and that they had not contributed one farthing to its expence, yet that laying taxes on them is contrary to ſound policy, and the object Great Britain had in view in eſtabliſhing colonies.

The firſt conqueſts and acquiſitions made by the Romans, were made, like thoſe of the Tartars, in a ſpirit of union, who adopting or blending themſelves with thoſe whom they had lately ſubdued, fixt their foundation on the firm baſis of one inſeparable intereſt.

But as ſoon as the Romans found their empire ſufficiently ſtrengthened to enable them to act offenſively, to the diſturbance of the whole world, they poured their armies into all quarters, and conquered it, for the purpoſes of avarice and ambition. The objects they had in their view were, the glory of the Roman name, and the plunder of the reſt of mankind, for the ſole benefit of the Roman people.

The colonies eſtabliſhed by the modern European nations, in uncultivated and uncivilized countries, have had two apparent views;

views; the eſtabliſhment of the Chriſtian religion, and increaſe of dominion. Theſe objects are generally ſet forth in all their commiſſions and charters, and the firſt of them was impiouſly aſſerted by the Spaniards, to ſanctify the moſt dreadful inhumanity; the reſt of the European nations have had more religion, than to make uſe of the ſword, to inculcate the doctrine of the true God. England in particular hath acted in this reſpect with real wiſdom and piety.

The extention of dominion, the other object which the European nations had in view in eſtabliſhing colonies, ſeems, conſidering the times when they were undertaken, to imply the extention of arbitrary power; for the kings of Europe then poſſeſſed, or claimed, the moſt abſolute authority; all acquiſitions therefore, however made, belonged peculiarly to them; colonies in particular, being undertaken by commiſſions from them, ſeem to have been originally eſtabliſhed for their uſe and benefit; and ſo perhaps, conſidering the ſpirit of our laws at that time, they really would have been, even in this country, if the nature of our government had not changed, or our ſovereigns had not diveſted themſelves of thoſe powers, which the common laws of the land gave them over new acquiſitions.

But as Engliſhmen could not be allured to leave their native homes, to labour in uncultivated countries, without a full ſecurity for the enjoyment of thoſe liberties, which they had a right to from birth, the fulleſt aſſurances and moſt ample conceſſions were made to the adventurers, for their encouragement in ſo arduous an undertaking.

By theſe charters and grants the ſettlers of the New World were as free, when they croſſed the Atlantic, as they had been in this iſland; but as new-diſcovered countries and acquiſitions were the immediate property of the crown, and conſequently ſubject to its immediate government, the liberties which the inhabitants of them enjoyed, it is pretended, muſt be conſidered as mere conceſſions from the crown, and not as they are in this country, independant thereof, and coeval with prerogative itſelf; but ſhould this be the caſe, the liberties of the colonies cannot be infringed, for the crown has parted with all means of oppreſſion, by granting them every right for the ſupport of civil liberty, which this country enjoys; and as theſe grants and ſuppoſed conceſſions have been made voluntarily, for the encouragement of a brave and laborious people, they muſt have at leaſt as much force and validity, as thoſe which have been extorted and demanded in the field of battle.

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The extenſion of dominion therefore, which is one of the expreſſed objects of our eſtabliſhing colonies, cannot mean an uncontrouled power over ſlaves, but a dominion founded on freedom; and not founded for the purpoſes of ambition and vain glory of a monarch, or a partial regard to this or that country, but for the eſtabliſhment and extention of the commerce of the Britiſh dominions.

Here then is an eſſential difference, between the colonies eſtabliſhed by the Engliſh, and the countries which were conquered by the Romans; the firſt were compoſed of freemen, leaving their native homes to extend its commerce for the public good; the latter went over nations for the ſake of plunder and vain glory: the returns which one country claimed from thoſe, which were ſubject to it, were tribute and ſervility; but that which the other hath generally expected, are a liberal obedience, filial affection, and thoſe advantages which the balance of trade gives, for the beneſit of *both* countries; I ſay for the benefit of *both* countries, becauſe Great Britain being enriched and ſtrengthened by it, is better enabled to give that protection which the colonies have a right to expect from her.

The Romans acted conſiſtently when they treated the conquered provinces with rapacity

city ahd inſolence for not being compoſed of Romans, but of aliens and enemies to the Roman name; they were ſubject to the will of the conquerors; Rome was itſelf alone; and therefore, diſregarding the common rights of mankind, ſhe endeavoured to ſubdue and plunder the reſt of the world for her ſole aggrandizement.

But the conduct of Great Britain ought to proceed on different principles; for as its colonies are compoſed of Engliſhmen and freemen, they ought to be treated as ſuch—the intereſts of the mother countries, and its colonies, are inſeperable—no partiality for the benefit of one to the prejudice of the other ought to be admitted; and their mutual advantage can *only* be obtained by the ſources of trade, enriching the ſeveral channels through which it flows.

It is then by trade *alone* that Great Britain, acting in a ſpirit of *true policy*, will endeavour to draw the wealth and produce of America to herſelf; all other methods will deſtroy the object for which the colonies were eſtabliſhed. If the Americans indeed, poſſeſſed of valuable mines of gold and ſilver, or a lucrative commerce, ſtill retained more than the ballance of trade drew from them, Great Britain might, perhaps, conſiſtently with ſelf-intereſt, take the overplus. But the fact is otherwiſe, all their gains and produce now centers here in the

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way of trade, and therefore the ſyſtem of taxing them is diametrically oppoſite to the real benefit of the nation in general, though it may ſerve the purpoſe of a temporary expedient.—The Treaſury may ſwell a little, but commerce will ſhrink to nothing.

But it is better for the nation, that the riches of the Americans (if they have any) ſhould paſs through the accompting-houſes of the merchants of London, than be paid in at his Majeſty's Exchequer at Whitehall. A miniſter will propagate a different doctrine; he may, perhaps, wiſh to make the colonies a convenient property, to ſupply his want of popularity or knowledge in the reſources of the kingdom; and reaſons may be given by him for this kind of policy, ſufficient to impoſe on the generality of the nation; but it is probable the Americans will never be ſatisfied with the exertion of this kind of power, and ſubmitting to it with reluctance, will reject it whenever they are able. And, indeed, however ready we may be to eaſe ourſelves by taxing them, and reaping apparent emolument at their expence, we ſhall ſoon repent of our partiality; for however weak and wicked a future miniſter may be if this ſyſtem is adopted and purſued, the ſpirit of liberty will exert itſelf in vain againſt him; for pretending hereby to ſecure the dependency of America, he will himſelf become independent of the

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Commons of Great Britain, by the eaſe and facility with which he will raiſe the neceſſary ſupplies.

Cromwell, though an arbitrary ruler, and Charles the IId, a neceſſitous Prince, purſued, in this reſpect, the true intereſts of Great Britain; for notwithſtanding the extravagance of the one, and deſpotiſm of the other, they plainly ſaw, that real power, and ſubſtantial and permanent wealth, could only be attained through the channels of commerce, and that there would be a ſufficient fund eſtabliſhed for diſſipation and corruption, and the higheſt power exerciſed, by rendering the trade of the colonies ſubſervient to Great Britain; and therefore Cromwell had the ſagacity to plan, and Charles the good ſenſe to adopt the famous *act of navigation*, which the Britiſh colonies have to this time dutifully and implicitly obeyed: for though it has reduced them to a kind of political ſlavery, yet being founded on the ſoundeſt policy, they have ſubmitted to it with chearfulneſs and affection to this country; and ſo long as they do ſo, you need no other evidence of your ſovereignty over them; for let any one conſider the nature of it, and he will find it the ſtrongeſt mark and badge of ſubſerviency and dependence.

Let then the mutual, which is the real intereſt of Great Britain and her colonies, be promoted, by conſtantly purſuing

the true object for which the latter were eſtabliſhed, and let us not cut down the tree to get at the fruit. *Let us ſtroke and not ſtab the cow, for her milk, and not her blood, can give us real nouriſhment and ſtrength*; and for this purpoſe, let the *ſpirit* of the *act of navigation* (for ſound policy has long ſince varied from *the letter*) be ſtrictly adhered to; and then, however flouriſhing the commerce of America may become, either by its own efforts, or by the judicious encouragements and bounties given by this country, the whole advantage thereof muſt ultimately center here, and that without diſcontent and diſturbances, to the honour and ſatisfaction of his Majeſty, and promotion of the public good.

FINIS.

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Dedit omnibus Deus pro virili portione ſapientiam, ut et inaudita inveſtigare poſſent et audita perpendere.

Lactantius.

SIR,

I TAKE the liberty to addreſs you, as the author of "The Regulations lately made concerning the Colonies, "and the Taxes impoſed upon them, conſidered." It is not to the man, whoever you are, that I addreſs myſelf; but it is to the author of a pamphlet, which, according to the light I view it in, endeavours to fix ſhackles upon the *American* colonies: ſhackles which, however nicely poliſhed, can by no means ſit eaſy upon men, who have juſt ſentiments of their own rights and liberties.

You have, indeed, brought this trouble upon yourſelf; for you ſay, that "many ſteps have been lately taken by the "miniſtry, to cement and perfect the neceſſary connection "between the colonies and the mother-kingdom, which "every man who is ſincerely intereſted in what is intereſting "to his country, will anxiouſly conſider the propriety of, "will enquire into the information, and canvaſs the princi-"ples upon which they have been adopted; and will be "ready to applaud what has been well done, condemn what "has been done amiſs, and ſuggeſt any emendations, im-"provements, or additions, which may be within his know-"ledge, and occur to his reflection."

Encouraged therefore by ſo candid an invitation, I have undertaken to examine, with an honeſt plainneſs and freedom, whether the miniſtry, by impoſing taxes upon the colonies by authority of parliament, have purſued a wiſe and ſalutary plan of government, or whether they have exerted pernicious and deſtructive acts of power.

I pretend not to concern myſelf with the regulations lately made, to encourage population in the new acquiſitions: time

can only determine, whether the reaſons upon which they have been founded, are agreeable to the maxims of trade and ſound policy, or not. However, I will venture to obſerve, that if the moſt powerful inducement towards peopling thoſe acquiſitions, is to ariſe from the expectation of a conſtitution to be eſtabliſhed in them, ſimilar to the other royal government, in *America*, it muſt be a ſtrong circumſtance, in my opinion, againſt their being ſettled by *Engliſhmen*, or even by *foreigners*, who do not live under the moſt deſpotic government; ſince, upon your principles of colony-government, ſuch a conſtitution will not be worth their acceptance.

The queſtion is, whether the colonies are repreſented in the *Britiſh* parliament, or not? You affirm it to be an indubitable fact that they are repreſented, and from thence you infer a right in the parliament to impoſe taxes of every kind upon them. You do not inſiſt upon the *power*, but upon the *right* of parliament, to impoſe taxes upon the colonies. This is certainly a very proper diſtinction; as *right* and *power* have very different meanings, and convey very different ideas: for had you told us that the parliament of *Great-Britain* have *power*, by the fleets and armies of the kingdom, to impoſe taxes, and to raiſe contributions upon the colonies, I ſhould not have preſumed to diſpute the point with you; but as you inſiſt upon the *right* only, I muſt beg leave to differ from you in opinion, and ſhall give my reaſons for it.

But I muſt firſt recapitulate your arguments in ſupport of this right in the parliament. You ſay, "the inhabitants of the "colonies do not indeed chooſe members of parliament, nei- "ther are nine-tenths of the people of *Britain* electors; for "the right of election is annexed to certain ſpecies of pro- "perty, to peculiar franchiſes, and to inhabitancy in ſome "particular places. But theſe deſcriptions comprehend only "a very ſmall part of the lands, the property and people of "*Britain*; all copyhold, all leaſehold eſtates under the "crown, under the church, or under private perſons, though "for terms ever ſo long; all landed property, in ſhort, that "is not freehold, and all monied property whatſoever, are "excluded. The poſſeſſors of theſe have no votes in the "election of members of parliament; women, and perſons "under age, be their property ever ſo large, and all of it "freehold, have none: the merchants of *London*, a nume- "rous and reſpectable body of men, whoſe opulence "exceeds all that *America* can collect; the proprietors of that "vaſt accumulation of wealth, the public funds; the inha- "bitants of *Leeds*, of *Halifax*, of *Birmingham*, and of *Man- "cheſter*, towns that are each of them larger than the largeſt

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" commons of *Great-Britain* are repreſented."

This is the ſum of what you advance, in all the pomp of parliamentary declamation, to prove, that the colonies are repreſented in parliament, and therefore ſubject to their taxation; but notwithſtanding this way of reaſoning, I cannot comprehend, how men, who are excluded from voting at the election of members of parliament, can be repreſented in that aſſembly; or how thoſe, who are elected, do not ſit in the houſe as repreſentatives of their conſtituents. Theſe aſſertions appear to me not only paradoxical, but contrary to the fundamental principles of the *Engliſh* conſtitution.

To illuſtrate this important diſquiſition, I conceive we muſt recur to the civil conſtitution of *England*, and from thence deduce and aſcertain the rights and privileges of the people, at the firſt eſtabliſhment of the government, and diſcover the alterations that have been made in them from time to time; and it is from the laws of the kingdom, founded upon the principles of the law of nature, that we are to ſhow the obligation every member of the ſtate is under, to pay obedience to its inſtitutions. From theſe principles I ſhall endeavour to prove, that the inhabitants of *Britain*, who have no vote in the election of members of parliament, are not repreſented in that aſſembly, and yet that they owe obedience to the laws of parliament, which, as to them, are conſtitutional, and not arbitrary. As to the colonies, I ſhall conſider them afterwards.

Now it is a fact, as certain as hiſtory can make it, that the preſent civil conſtitution of *England* derives its original from thoſe *Saxons*, who, coming over to the aſſiſtance of the *Britons*, in the time of their king *Vortigern*, made themſelves maſters of the kingdom, and eſtabliſhed a form of government in it, ſimilar to that they had been accuſtomed to live

can only determine, whether the reaſons upon which they have been founded, are agreeable to the maxims of trade and ſound policy, or not. However, I will venture to obſerve, that if the moſt powerful inducement towards peopling thoſe acquiſitions, is to ariſe from the expectation of a conſtitution to be eſtabliſhed in them, ſimilar to the other royal government, in *America*, it muſt be a ſtrong circumſtance, in my opinion, againſt their being ſettled by *Engliſhmen*, or even by *foreigners*, who do not live under the moſt deſpotic government; ſince, upon your principles of colony-government, ſuch a conſtitution will not be worth their acceptance.

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" ents, but as one of that auguſt aſſembly by which all the
" commons of *Great-Britain* are repreſented."

This is the ſum of what you advance, in all the pomp of parliamentary declamation, to prove, that the colonies are repreſented in parliament, and therefore ſubject to their taxation; but notwithſtanding this way of reaſoning, I cannot comprehend, how men, who are excluded from voting at the election of members of parliament, can be repreſented in that aſſembly; or how thoſe, who are elected, do not ſit in the houſe as repreſentatives of their conſtituents. Theſe aſſertions appear to me not only paradoxical, but contrary to the fundamental principles of the *Engliſh* conſtitution.

To illuſtrate this important diſquiſition, I conceive we muſt recur to the civil conſtitution of *England*, and from thence deduce and aſcertain the rights and privileges of the people, at the firſt eſtabliſhment of the government, and diſcover the alterations that have been made in them from time to time; and it is from the laws of the kingdom, founded upon the principles of the law of nature, that we are to ſhow the obligation every member of the ſtate is under, to pay obedience to its inſtitutions. From theſe principles I ſhall endeavour to prove, that the inhabitants of *Britain*, who have no vote in the election of members of parliament, are not repreſented in that aſſembly, and yet that they owe obedience to the laws of parliament, which, as to them, are conſtitutional, and not arbitrary. As to the colonies, I ſhall conſider them afterwards.

Now it is a fact, as certain as hiſtory can make it, that the preſent civil conſtitution of *England* derives its original from thoſe *Saxons*, who, coming over to the aſſiſtance of the *Britons*, in the time of their king *Vortigern*, made themſelves maſters of the kingdom, and eſtabliſhed a form of government in it, ſimilar to that they had been accuſtomed to live

under in their native country *; as ſimilar, at leaſt, as the difference of their ſituation and circumſtances would permit. This government, like that from whence they came, was founded upon principles of the moſt perfect liberty: the conquered lands were divided among the individuals, in proportion to the rank they held in the nation †; and every freeman, that is, every freeholder, was a member of their wittinagemot, or parliament ‖. The other part of the nation, or the non-proprietors of land, were of little eſtimation §. They, as in *Germany*, were either ſlaves, mere hewers of wood and drawers of water, or freedmen; who, being of foreign extraction, had been manumitted by their maſters, and were excluded from the high privilege of having a ſhare in the adminiſtration of the commonwealth, unleſs they became proprietors of land (which they might obtain by purchaſe or donation), and in that caſe they had a right to ſit with the freemen in the parliament or ſovereign legiſlature of the ſtate.

How long this right of being perſonally preſent in the parliament continued, or when the cuſtom of ſending repreſentatives to this great council of the nation, was firſt introduced, cannot be determined with preciſion; but let the cuſtom of repreſentation be introduced when it will, it is certain that every freeman, or, which was the ſame thing in the eye of the conſtitution, every freeholder ‡, had a right to vote at the election of members of parliament, and therefore might be ſaid, with great propriety, to be preſent in that aſſembly, either in his own perſon, or by repreſentation. This right of election in the freeholders, is evident from the ſtatute 1ſt *Hen.* 5. ch. 1ſt, which limits the right of election to thoſe freeholders only who are reſident in the counties the day of the date of the writ of election; but yet every reſident freeholder indiſcriminately, let his freehold be ever ſo ſmall, had a right to vote at the election of knights for his county, ſo that they were actually repreſented: and this right of election continued until it was taken away by the ſtatute 8th *Hen.* 6. ch. 7. from thoſe freeholders who had not a clear freehold eſtate of forty ſhillings by the year at the leaſt.

Now this ſtatute was deprivative of the right of thoſe freeholders who came within the deſcription of it; but of what did it deprive them, if they were repreſented, notwithſtand-

* *Petyt's Rights of the Com. Brady's Comp. Hiſt. Rapin. Squire's Inquiry.*

† *Cæſar de Bell. Gall. Tacitus de Germ. c.* 28. *Temple's Miſc.* ‖ *Tacitus de Germ. c.* 11. § *Ibid. c.* 25.

‡ 2 *Inſt.* 27. 4 *Inſt.* 2.

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ing their right of election was taken from them? The mere act of voting was nothing, of no value, if they were repreſented as conſtitutionally without it as with it: but when by the fundamental principles of the conſtitution they were to be conſidered as members of the legiſlature, and as ſuch had a right to be preſent in perſon, or to ſend their procurators or attornies, and by them to give their ſuffrage in the ſupreme council of the nation, this ſtatute deprived them of an eſſential right; a right, without which, by the ancient conſtitution of the ſtate, all other liberties were but a ſpecies of bondage.

As theſe freeholders then were deprived of their rights, to ſubſtitute delegates to parliament, they could not be repreſented, but were placed in the ſame condition with the non-proprietors of land, who were excluded by the original conſtitution from having any ſhare in the legiſlature, but who, notwithſtanding ſuch excluſion, are bound to pay obedience to the laws of parliament, even if they ſhould conſiſt of nine-tenths of the people of *Britain*; but then the obligation of theſe laws does not ariſe from their being virtually repreſented in parliament, but from a quite different reaſon.

Men, in a ſtate of nature, are abſolutely free and independent of one another, as to ſovereign juriſdiction*; but when they enter into a ſociety, and by their own conſent become members of it, they muſt ſubmit to the laws of the ſociety according to which they agree to be governed; for it is evident, by the very act of aſſociation, that each member ſubjects himſelf to the authority of that body, in whom, by common conſent, the legiſlative power of the ſtate is placed: but though they muſt ſubmit to the laws, ſo long as they remain members of the ſociety, yet they retain ſo much of their natural freedom, as to have a right to retire from the ſociety, to renounce the benefits of it, to enter into another ſociety, and to ſettle in another country; for their engagements to the ſociety, and their ſubmiſſion to the public authority of the ſtate, do not oblige them to continue in it longer than they find it will conduce to their happineſs, which they have a natural right to promote. This natural right remains with every man, and he cannot juſtly be deprived of it by any civil authority. Every perſon, therefore, who is denied his ſhare in the legiſlature of the ſtate to which he had an original right; and every perſon, who, from his particular circumſtances, is excluded from this great privilege, and refuſes to exerciſe his natural right of quitting the country, but re-

* *Vattel's Law of Nature. Locke on Civil Govern. Wollaſton's Rel. of Nat.*

mains in it, and continues to exercise the rights of a citizen in all other respects, must be subject to the laws, which by these acts he *implicitly*, or, to use your own phrase, *virtually* consents to: for men may subject themselves to laws, by consenting to them *implicitly*; that is, by conforming to them, by adhering to the society, and accepting the benefits of its constitution, as well as *explicitly* and directly, in their own persons, or by their representatives substituted in their room *. Thus, if a man whose property does not entitle him to be an elector of members of parliament, and therefore cannot be represented, or have any share in the legislature, " inherits " or takes any thing by the laws of the country to which he " has no indubitable right in nature, or which, if he has a " right to it, he cannot tell how to get or keep, without the " aid of the laws, and the advantage of society; then, when " he takes this inheritance, or whatever it is, *with* it he " takes and owns the laws that gave it him. And since the " security he has from the laws of the country, in respect of " his person and rights, is the *equivalent* for his submission to " them, he cannot accept *that* security without being obliged, " in equity, to pay *this* submission: nay, his very continuing " in the country, shows, that he either likes the constitution, " or likes it better, notwithstanding the alteration made in it " to his disadvantage, than any other; or at least thinks it " better, in his circumstances, to conform to it, than to seek " any other; that is, he is content to be comprehended in " it."

From hence it is evident, that the obligation of the laws of parliament upon the people of *Britain*, who have no right to be electors, does not arise from their being *virtually* represented, but from a quite different principle; a principle of the law of nature, true, certain, and universal, applicable to every sort of government, and not contrary to the common understandings of mankind.

If what you say is a real fact, that nine-tenths of the people of *Britain* are deprived of the high privilege of being electors, it shows a great defect in the present constitution, which has departed so much from its original purity; but never can prove, that those people are even *virtually* represented in parliament. And here give me leave to observe, that it would be a work worthy of the best patriotic spirits in the nation, to effectuate an alteration in this putrid part of the constitution; and, by restoring it to its pristine perfection, prevent any " order or rank of the subjects from imposing upon

* *Wollaston's Rel. of Nat.*

" or

" or binding the reſt, without their conſent." But, I fear, the gangrene has taken too deep hold to be eradicated in theſe days of venality.

But if thoſe people of *Britain* who are excluded from being electors, are not repreſented in parliament, the concluſion is much ſtronger againſt the people of the colonies being repreſented, who are conſidered by the *Britiſh* government itſelf, in every inſtance of parliamentary legiſlation, as a diſtinct people. It has been determined by the lords of the privy council, that " acts of parliament made in *England*, without name- " ing the foreign plantations, will not bind them *." Now what can be the reaſon of this determination, but that the lords of the privy council are of opinion, the colonies are a diſtinct people from the inhabitants of *Britain*, and are not repreſented in parliament? If, as you contend, the colonies are *exactly in the ſame ſituation* with the ſubjects in *Britain*, the laws will in every inſtance be equally binding upon them, as upon thoſe ſubjects, unleſs you can diſcover two ſpecies of *virtual* repreſentation; the one, to reſpect the ſubjects in *Britain*, and always exiſting in time of parliament; the other, to reſpect the colonies, a mere non-entity, if I may be allowed the term, and never exiſting, but when the parliament thinks proper to produce it into being, by any particular act in which the colonies happen to be named. But I muſt examine the caſe of the colonies more diſtinctly.

It is in vain to ſearch into the civil conſtitution of *England* for directions in fixing the proper connection between the colonies and the mother-kingdom; I mean, what their reciprocal duties to each other are, and what obedience is due from the children to the general parent. The planting colonies from *Britain*, is but of recent date, and nothing relative to ſuch plantation can be collected from the ancient laws of the kingdom; neither can we receive any better information, by extending our enquiry into the hiſtory of the colonies, eſtabliſhed by the ſeveral nations, in the more early ages of the world. All the colonies (except thoſe of *Georgia* and *Nova Scotia*) formed from the *Engliſh* nation in *North-America*, were planted in a manner, and under a dependance, of which there is not an inſtance in all the colonies of the ancients; and therefore I conceive, it muſt afford a good degree of ſurprize, to find an *Engliſh* civilian † giving it as his ſentiment, that the *Engliſh* colonies ought to be governed by the *Roman* laws; and for no better reaſon, than becauſe the *Spaniſh* colonies, as he ſays, are governed by thoſe laws. The *Romans*

* 2 *Pur. Williams.* † *Strahan in his Preface to Domat.*

eſtabliſhed

eſtabliſhed their colonies, in the midſt of vanquiſhed nations, upon principles which beſt ſecured their conqueſts; the privileges granted to them were not always the ſame; their policy in the government of their colonies, and the conquered nations, being always directed by arbitrary principles to the end they aimed at, the ſubjecting the whole earth to their empire: but the colonies in *North-America*, except thoſe planted within the preſent century, were founded by *Engliſhmen*, who, becoming private adventurers, eſtabliſhed themſelves, without any expence to the nation, in this uncultivated and almoſt uninhabited country; ſo that their caſes is plainly diſtinguiſhable from that of the *Roman*, or any other colonies of the ancient world.

As then we can receive no light from the laws of the kingdom, or from ancient hiſtory, to direct us in our enquiry, we muſt have recourſe to the law of nature, and thoſe rights of mankind which flow from it.

I have obſerved before, that when ſubjects are deprived of their civil rights, or are diſſatisfied with the place they hold in the community, they have a natural right to quit the ſociety of which they are members, and to retire into another country. Now when men exerciſe this right, and withdraw themſelves from their country, they recover their natural freedom and independence: the juriſdiction and ſovereignty of the ſtate they have quitted, ceaſes; and if they unite, and by common conſent take poſſeſſion of a new country, and form themſelves into a political ſociety, they become a ſovereign ſtate, independent of the ſtate from which they ſeparated. If then the ſubjects of *England* have a natural right to relinquiſh their country; and by retiring from it, and aſſociating together, to form a new political ſociety and independent ſtate, they muſt have a right, by compact with the ſovereign of the nation, to remove into a new country, and to form a civil eſtabliſhment upon the terms of the compact. In ſuch a caſe, the terms of the compact muſt be obligatory and binding upon the parties; they muſt be the magna charta, the fundamental principles of government, to this new ſociety; and every infringement of them muſt be wrong, and may be oppoſed. It will be neceſſary, then, to examine, whether any ſuch compact was entered into between the ſovereign, and thoſe *Engliſh* ſubjects who eſtabliſhed themſelves in *America*.

You have told us, that " before the firſt and great act of " navigation, the inhabitants of *North-America* were but a " few unhappy fugitives, who had wandered thither to enjoy " their civil and religious liberties, which they were deprived

" of

" of at home." If this was true, it is evident, from what has been ſaid upon the law of nature, that they have a right to a civil independent eſtabliſhment of their own, and that *Great-Britain* has no *right* to interfere in it. But you have been guilty of a groſs anachroniſm in your chronology, and a great error in your account of the firſt ſettlement of the colonies in *North-America*; for it is a notorious fact that they were not ſettled by fugitives from their native country, but by men who came over voluntarily, at their own expence, and under charters from the crown, obtained for that purpoſe, long before the firſt and great act of navigation.

The firſt of theſe charters was granted to Sir *Walter Raleigh* by queen *Elizabeth*, under her great ſeal, and was confirmed by the parliament of *England* in the year 1684 *. By this charter, the whole country to be poſſeſſed by Sir *Walter Raleigh* was granted to him, his heirs and aſſigns, in perpetual ſovereignty, in as extenſive a manner as the crown could grant, or had ever granted before to any perſon or perſons, with full power of legiſlation, and to eſtabliſh a civil government in it, as near as conveniently might be agreeable to the form of the *Engliſh* government and policy thereof. The country was to be united to the realm of *England*, in perfect LEAGUE AND AMITY; was to be within the allegiance of the crown of *England*, and to be held by homage, and the payment of one-fifth of all gold and ſilver ore, which was reſerved for all ſervices, duties, and demands.

Sir *Walter Raleigh*, under this charter, took poſſeſſion of *North-America*, upon that part of the continent which gave him a right to the tract of country which lies between the twenty-fifth degree of latitude, and the gulf of *St. Laurence*; but a variety of accidents happening in the courſe of his exertions to eſtabliſh a colony, and perhaps being overborn by the expence of ſo great a work, he made an aſſignment to divers gentlemen and merchants of *London*, in the 31ſt year of the queen's reign, for continuing his plantation in *America*. Theſe aſſignees were not more ſucceſsful in their attempts, than the proprietor himſelf had been; but being animated with the expectation of mighty advantages from the accompliſhment of their undertaking, they, with others, who aſſociated with them, obtained new charters from king *James* the firſt, in whom all Sir *Walter Raleigh*'s rights became veſted upon his attainder; containing the ſame extenſive juriſdic-

* *This charter is printed at large in Hakluyt's Voyages, p. 725, folio edition, anno* 1589; *and the ſubſtance of it is in the 3d vol. of Salmon's Mod. Hiſt. p.* 424.

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tions, royalties, privileges, franchiſes, and pre-eminences, and the ſame powers to eſtabliſh a civil government in the colony, as had been granted to Sir *W. Raleigh*, with an expreſs clauſe of exemption, for ever, from all taxes or impoſitions upon their import and export trade.

Under theſe charters the proprietors effectually proſecuted, and happily ſucceeded, in planting a colony upon that part of the continent which is now called *Virginia*. This colony, after ſtruggling through immenſe difficulties, without receiving the leaſt aſſiſtance from the *Engliſh* government, attained to ſuch a degree of perfection, that in the year 1621, a general aſſembly, or legiſlative authority, was eſtabliſhed in the governor, council, and houſe of burgeſſes, who were elected by the freeholders as their repreſentatives; and they have continued, from that time, to exerciſe the power of legiſlation over the colony.

But upon the 15th of *July*, 1624, king *James* diſſolved the company by proclamation, and took the colony under his immediate dependence, which occaſioned much confuſion, and created mighty apprehenſions in the colony, leſt they ſhould be deprived of the rights and privileges granted them by the company, according to the powers contained in their charters.

To put an end to this confuſion, and to conciliate the colony to the new ſyſtem of government the crown intended to eſtabliſh among them, K. *Charles* the firſt, upon the demiſe of his father, by proclamation the 13th of *May*, 1625, declared, "that *Virginia* ſhould be immediately dependent upon "the crown; that the affairs of the colony ſhould be veſted "in a council, conſiſting of a few perſons of underſtanding "and quality, to be ſubordinate and attendant to the privy-"council in *England*; that he was reſolved to eſtabliſh ano-"ther council in *Virginia*, to be ſubordinate to the council "in *England* for the colony; and that he would maintain the "neceſſary officers, miniſters, forces, ammunition, and for-"tifications thereof, at his own charge." But this proclamation had an effect quite different from what was intended; inſtead of allaying, it encreaſed the confuſion of the colony; they now thought their regular conſtitution was to be deſtroyed, and a prerogative government eſtabliſhed over them; or, as they expreſs themſelves in their remonſtrance, that "their "rights and privileges were to be aſſaulted." This general diſquietude and diſſatisfaction continued until they received a letter from the lords of the privy-council, dated *July* the 22d, 1634, containing the royal aſſurance and confirmation, that "all their eſtates, trade, freedom, and privileges, ſhould be

"enjoyed

" enjoyed by them in as extenſive a manner, as they enjoyed " them before the recalling the company's patent;" whereupon they became reconciled, and began again to exert themſelves in the improvement of the colony.

Being now in full poſſeſſion of the rights and privileges of *Engliſhmen*, which they eſteemed more than their lives, their affection for the royal government grew almoſt to enthuſiaſm; for upon an attempt to reſtore the company's charter, by authority of parliament, the general aſſembly, upon the 1ſt of *April*, 1642, drew up a declaration or proteſtation, in the form of an act, by which they declared, " they never would " ſubmit to the government of any company or proprietor, " or to ſo unnatural a diſtance as a company, or other per- " ſon, to interpoſe between the crown and the ſubjects; that " they were born under monarchy, and would never degene- " rate from the condition of their births, by being ſubject to " any other government; and every perſon who ſhould attempt " to reduce them under any other government, was declared " an enemy to the country, and his eſtate was to be forfeited." This act, being preſented to the king at his court at *York*, *July* 5th, 1644, drew from him a moſt gracious anſwer, under his royal ſignet, in which he gave them the fulleſt aſſurances, that they ſhould be always immediately dependent upon the crown, and that the form of government ſhould never be changed. But after the king's death, they gave a more eminent inſtance of their attachment to royal government, in their oppoſition to the parliament, and forcing the parliament commiſſioners, who were ſent over with a ſquadron of ſhips of war to take poſſeſſion of the country, into articles of ſurrender, before they would ſubmit to their obedience. As theſe articles reflect no ſmall honour upon this infant colony, and as they are not commonly known, I will give an abſtract of ſuch of them as relate to the preſent ſubject.

1. The plantation of *Virginia*, and all the inhabitants thereof, ſhall be and remain in due ſubjection to the commonwealth of *England*, not as a conquered country, but as a country ſubmitting by their own voluntary act, and ſhall enjoy ſuch freedoms and privileges as belong to the free people of *England*.

2. The general aſſembly as formerly ſhall convene, and tranſact the affairs of the colony.

3. The people of *Virginia* ſhall have a free trade, as the people of *England*, to all places, and with all nations.

4. *Virginia* ſhall be free from all taxes, cuſtoms, and impoſitions whatſoever; and none ſhall be impoſed on them, without conſent of the general aſſembly; and that neither

forts nor caſtles be erected, or garriſons maintained, without their conſent.

Upon this ſurrender of the colony to the parliament, Sir *W. Berkeley*, the royal governor, was removed, and three other governors were ſucceſſively elected by the houſe of burgeſſes; but in *January*, 1659, Sir *William Berkeley* was replaced at the head of the government by the people, who unanimouſly renounced their obedience to the parliament, and reſtored the royal authority, by proclaiming *Charles* the ſecond, king of *England*, *Scotland*, *France*, *Ireland*, and *Virginia*; ſo that he was king in *Virginia* ſome time before he had any certain aſſurance of being reſtored to his throne in *England*.

From this detail of the charters, and other acts of the crown, under which the firſt colony in *North-America* was eſtabliſhed, it is evident, that "the coloniſts were not a few "unhappy fugitives who had wandered into a diſtant part of "the world to enjoy their civil and religious liberties, which "they were deprived of at home," but had a regular government long before the firſt act of navigation, and were reſpected as a diſtinct ſtate, independent, as to their *internal* government, of the original kingdom, but united with her, as to their *external* polity, in the cloſeſt and moſt intimate LEAGUE AND AMITY, under the ſame allegiance, and enjoying the benefits of a reciprocal intercourſe.

But allow me to make a reflection or two upon the preceding account of the firſt ſettlement of an *Engliſh* colony in *North-America*.

America was no part of the kingdom of *England*; it was poſſeſſed by a ſavage people, ſcattered through the country, who were not ſubject to the *Engliſh* dominion, nor owed obedience to its laws. This independent country was ſettled by *Engliſhmen* at their own expence, under particular ſtipulations with the crown: theſe ſtipulations, then, muſt be the ſacred band of union between *England* and her colonies, and cannot be infringed without injuſtice. But you object, that "no "power can abridge the authority of parliament, which has "never exempted any from the ſubmiſſion they owe to it; "and no other power can grant ſuch an exemption."

I will not diſpute the authority of the parliament, which is, without doubt, ſupreme within the body of the kingdom, and cannot be abridged by any other power; but may not the king have prerogatives, which he has a right to exerciſe, without the conſent of parliament? If he has, perhaps that of granting licence to his ſubjects to remove into a *new* country, and to ſettle therein upon particular conditions, may be one. If he has no ſuch prerogative, I cannot diſcover how

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the royal engagements can be made good, that " the freedom " and other benefits of the *Britiſh* conſtitution" ſhall be ſecured to thoſe people who ſhall ſettle in a new country under ſuch engagements; the freedom, and other benefits of the *Britiſh* conſtitution, cannot be ſecured to a people, without they are exempted from being taxed by any authority, but that of their repreſentatives, choſen by themſelves. This is an eſſent al part of *Britiſh* freedom; but if the king cannot grant ſuch an exemption, in right of his prerogative, the royal promiſes cannot be fulfilled; and all charters which have been granted by our former kings, for this purpoſe, muſt be deceptions upon the ſubjects who accepted them, which to ſay, would be a high reflection upon the honour of the crown. But there was a time, when ſome parts of *England* itſelf were exempt from the laws of parliament: the inhabitants of the county palatine of *Cheſter* were not ſubject to ſuch laws * *ab antiquo*, becauſe they did not ſend repreſentatives to parliament, but had their own *commune concilium*; by whoſe authority, with the conſent of their earl, their laws were made. If this exemption was not derived originally from the crown, it muſt have ariſen from that great principle in the *Britiſh* conſtitution, by which the freemen in the nation are not ſubject to any laws, but ſuch as are made by repreſentatives elected by themſelves to parliament; ſo that in either caſe, it is an inſtance extremely applicable to the colonies, who contend for no other right, but that of directing their *internal* government by laws made with their own conſent, which has been preſerved to them by repeated acts and declarations of the crown.

The conſtitution of the colonies, being eſtabliſhed upon the principles of *Britiſh* liberty, has never been infringed by the immediate act of the crown; but the powers of government, agreeably to this conſtitution, have been conſtantly declared in the king's commiſſions to their governors, which, as often as they paſs the great ſeal, are *new* declarations and confirmations of the rights of the colonies. Even in the reign of *Charles* the ſecond, a time by no means favourable to liberty, theſe rights of the colonies were maintained inviolate; for when it was thought neceſſary to eſtabliſh a permanent revenue for the ſupport of government in *Virginia*, the king did not apply to the *Engliſh* parliament, but to the general aſſembly; and ſent over an act, under the great ſeal of *England*, by which it was enacted, " by the king's moſt excel- " lent majeſty, by and with the conſent of the general aſſem-

* *Petyt's Rights of the Commons. King's Vale Royal of England.*

" bly,"

" bly," that two ſhillings per hogſhead upon all tobacco ex-
ported, one ſhilling and three-pence per ton upon ſhipping,
and ſix-pence per poll for every perſon imported, not being
actually a mariner in pay, were to be paid for ever as a reve-
nue, for the ſupport of the government in the colony.

I have taken notice of this act, not only becauſe it ſhows the proper fountain from whence all ſupplies to be raiſed in the colonies ought to flow, but alſo as it affords an inſtance, that royalty itſelf did not diſdain formerly to be named as a part of the legiſlature of the colony; though now, to ſerve a purpoſe deſtructive of their rights, and to introduce princi-
ples of deſpotiſm unknown to a free conſtitution, the legiſla-
ture of the colonies are degraded even below the corporation of a petty borough in *England*.

It muſt be admitted, that after the reſtoration, the colonies loſt that liberty of commerce with foreign nations, they had enjoyed before that time.

As it became a fundamental law of the other ſtates of *Eu-
rope*, to prohibit all foreign trade with their colonies, *England* demanded ſuch an excluſive trade with her colonies. This was effected by the act of 25th *Charles* 2d, and ſome other ſubſequent acts; which not only circumſcribed the trade of the colonies with foreign nations within very narrow limits, but impoſed duties upon ſeveral articles of their own manu-
factory exported from one colony to another. Theſe acts, which impoſed ſeverer reſtrictions upon the trade of the colo-
nies, than were impoſed upon the trade of *England*, deprived the colonies, ſo far as theſe reſtrictions extended, of the pri-
vileges of *Engliſh* ſubjects, and conſtituted an unnatural dif-
ference between men under the ſame allegiance, born equally free, and entitled to the ſame civil rights. In this light did the people of *Virginia* view the act of 25th *Charles* 2d, when they ſent agents to the *Engliſh* court, to repreſent againſt " taxes and impoſitions being laid on the colony by any au-
" thority but that of their general aſſembly." The right of impoſing *internal* duties upon their trade, by authority of par-
liament, was then diſputed, though you ſay it was never called into queſtion; and the agents ſent from *Virginia* upon this occaſion, obtained a declaration from *Charles* 2d, the 19th of *April*, 1676, under his privy ſeal, that impoſitions or " taxes ought not to be laid upon the inhabitants and pro-
" prietors of the colony, but by the common conſent of the " general aſſembly, except ſuch impoſitions as the parliament " ſhould lay on the commodities imported into *England* from " the colony:" and he ordered a charter to be made out, and

to

to paſs the great ſeal, for ſecuring this right, among others, to the colony.

But whether the act of 25th *Charles* 2d, or any of the other acts, have been complained of as infringements of the rights of the colonies or not, is immaterial; for if a man of ſuperior ſtrength takes my coat from me, that cannot give him a right to my cloak, nor am I obliged to ſubmit to be deprived of all my eſtate, becauſe I may have given up ſome part of it without complaint. Beſides, I have proved irrefragably, that the colonies are not repreſented in parliament, and conſequently, upon your own poſition, that no new law can bind them, that is made without the concurrence of their repreſentatives; and if ſo, then every act of parliament that impoſes *internal* taxes upon the colonies, is an act of *power*, and not of *right*. I muſt ſpeak freely; I am conſidering a queſtion which affects the *rights* of above two millions of as loyal ſubjects as belong to the *Britiſh* crown, and muſt uſe terms adequate to the importance of it; I ſay, that *power*, abſtracted from *right*, cannot give a juſt title to dominion. If a man invades my property, he becomes an aggreſſor, and puts himſelf into a ſtate of war with me: I have a right to oppoſe this invader; if I have not ſtrength to repel him, I muſt ſubmit; but he acquires no right to my eſtate which he has uſurped. Whenever I recover ſtrength, I may renew my claim, and attempt to regain my poſſeſſion; if I am never ſtrong enough, my ſon, or his ſon, may, when able, recover the natural right of his anceſtor, which has been unjuſtly taken from him.

I hope I ſhall not be charged with inſolence, in delivering the ſentiments of an honeſt mind with freedom: I am ſpeaking of the *rights* of a people: *rights* imply *equality*, in the inſtances to which they belong, and muſt be treated without reſpect to the dignity of the perſons concerned in them. If "the *Britiſh* empire in *Europe* and in *America* is the ſame "*power*;" if the "ſubjects in both are the ſame people, and "all equally participate in the adverſity and proſperity of the "whole," what diſtinctions can the difference of their ſituations make, and why is this diſtinction made between them? Why is the trade of the colonies more circumſcribed than the trade of *Britain?* And why are impoſitions laid upon the one, which are not laid upon the other? If the parliament "have "a *right* to impoſe taxes of *every kind* upon the colonies," they ought in juſtice, as the ſame people, to have the ſame ſources to raiſe them from: their commerce ought to be equally free with the commerce of *Britain*, otherwiſe it will be loading them with burthens, at the ſame time that they are

deprived

deprived of ſtrength to ſuſtain them; it will be forcing them to make bricks without ſtraw. I acknowledge the parliament is the ſovereign legiſlative power of the *Britiſh* nation, and that by a full exertion of their power, they can deprive the coloniſts of the freedom, and other benefits of the *Britiſh* conſtitution, which have been ſecured to them by our kings; they can abrogate all their civil rights and liberties; but by what *right* is it, that the parliament can exerciſe ſuch a power over the coloniſts, who have as natural a right to the liberties and privileges of *Engliſhmen*, as if they were actually reſident within the kingdom? The colonies are ſubordinate to the authority of parliament; ſubordinate I mean in degree, but not abſolutely ſo: for if by a vote of the *Britiſh* ſenate, the coloniſts were to be delivered up to the rule of a *French* or *Turkiſh* tyranny, they may refuſe obedience to ſuch a vote, and may oppoſe the execution of it by force. Great is the power of parliament, but, great as it is, it cannot, conſtitutionally, deprive the people of their *natural* rights; nor, in virtue of the ſame principle, can it deprive them of their *civil* rights, which are founded in compact, without their own conſent. There is, I confeſs, a conſiderable difference between theſe two caſes, as to the right of reſiſtance: in the firſt, if the coloniſts ſhould be diſmembered from the nation, by act of parliament, and abandoned to another power, they have a natural right to defend their liberties by open force, and may lawfully reſiſt; and, if they are able, repel the power to whoſe authority they are abandoned. But in the other, if they are deprived of their civil rights, if great and manifeſt oppreſſions are impoſed upon them by the ſtate on which they are dependent, their remedy is to lay their complaints at the foot of the throne, and to ſuffer patiently, rather than diſturb the public peace, which nothing but a denial of juſtice can excuſe them in breaking. But if this juſtice ſhould be denied, if the moſt humble and dutiful repreſentations ſhould be rejected, nay, not even deigned to be received, what is to be done? To ſuch a queſtion, *Thucydides* would make the *Corinthians* reply, that if "a decent and "condeſcending behaviour is ſhown on the part of the colo-"nies it would be baſe in the mother-ſtate to preſs too far "on ſuch moderation:" And he would make the *Corcyreans* anſwer, that "every colony, whilſt uſed in a proper man-"ner, ought to pay honour and regard to its mother ſtate; "but, when treated with injury and violence, is become an "alien. They were not ſent out to be the ſlaves, but to be "the equals of thoſe that remain behind."

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Another writer *, fond of his new ſyſtem of placing *Great-Britain* as the center of attraction to the colonies, ſays, that "they muſt be guarded againſt having or forming any prin-"ciple of coherence with each other, above that whereby "they cohere in the centre; having no other principle of "intercommunication between each other, than that by "which they are in joint communication with *Great-Britain*, "as the common centre of all. At the ſame time that they "are each, in their reſpective parts and ſubordinations, ſo "framed, as to be acted by this firſt mover, they ſhould al-"ways remain incapable of any coherence, or of ſo con-"ſpiring amongſt themſelves, as to create any other equal "force which might recoil back on this firſt mover; nor is "it more neceſſary to preſerve the ſeveral governments ſub-"ordinate within their reſpective orbs, than it is eſſential to "the preſervation of the empire to keep them diſconnected "and independent of each other." But how is this "prin-"ciple of coherence," as this elegant writer calls it, between

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the colonies, to be prevented? The colonies upon the continent of *North-America*, lie united to each other in one tract of country, and are equally concerned to maintain their common liberty. If he will attend then to the laws of attraction in natural as well as political philoſophy, he will find, that bodies in contact, and cemented by mutual intereſts, cohere more ſtrongly than thoſe which are at a diſtance, and have no common intereſts to preſerve. But this natural law is to be deſtroyed; and the colonies, whoſe *real* intereſts are the ſame, and therefore ought to be united in the cloſeſt communication, are to be disjoined, and all intercommunication between them prevented. But how is this ſyſtem of adminiſtration to be eſtabliſhed? Is it to be done by a military force, quartered upon private families? Is it to be done by extending the juriſdiction of courts of admiralty, and thereby depriving the coloniſts of legal trials in the courts of common law? Or is it to be done by harraſſing the coloniſts, and giving overbearing tax-gatherers an opportunity of ruining men, perhaps better ſubjects than themſelves, by dragging them from one colony to another, before prerogative judges, exerciſing a deſpotic ſway in inquiſitorial courts? Oppreſſion has produced very great and unexpected events: the *Helvetick* confederacy, the ſtates of the *United Netherlands*, are inſtances in the annals of *Europe*, of the glorious actions a petty people, in compariſon, can perform, when united in the cauſe of liberty. May the colonies ever remain under a conſtitutional ſubordination to *Great-Britain!* It is their intereſt to live under ſuch a ſubordination; and it is their duty, by an exertion of all their ſtrength and abilities, when called upon by their common ſovereign, to advance the grandeur and the glory of the nation. May the intereſts of *Great-Britain* and her colonies be ever united, ſo as that whilſt they are retained in a legal and juſt dependance, no unnatural or unlimited rule may be exerciſed over them; but that they may enjoy the freedom, and other benefits of the *Britiſh* conſtitution, to the lateſt page in hiſtory!

I flatter myſelf, by what has been ſaid, your poſition of a *virtual* repreſentation is ſufficiently refuted; and that there is really no ſuch repreſentation known in the *Britiſh* conſtitution, and conſequently, that the colonies are not ſubject to an *internal* taxation by authority of parliament.

I could extend this enquiry to a much greater length, by examining into the policy of the late acts of parliament, which impoſe heavy and ſevere taxes, duties, and prohibitions, upon the colonies: I could point out ſome very diſagreeable conſequences, reſpecting the trade and manufactures

of

of *Britain*, which muſt neceſſarily reſult from theſe acts; I could prove, that the revenues ariſing from the trade of the colonies, and the advantage of their exports to *Great-Britain*, in the balance of her trade with foreign nations, exceed infinitely all the expence ſhe has been at, all the expence ſhe can be at, in their protection; and perhaps I could ſhow, that the bounties given upon ſome articles exported from the colonies, were not intended, primarily, as inſtances of attention to their intereſt, but aroſe as well from the conſideration of the diſadvantageous dependance of *Great-Britain* upon other nations for the principal articles of her naval ſtores, as from her loſing trade for thoſe articles; I could demonſtrate, that theſe bounties are by no means adequate to her ſavings in ſuch foreign trade, if the articles upon which they are given, can be procured from the colonies, in quantities ſufficient to anſwer her conſumption; and that the exceſs of theſe ſavings is ſo much clear profit to the nation, upon the ſuppoſition that theſe bounties are drawn from it; but, as they will remain in it, and be laid out in its manufactures and exports, that the whole ſum which uſed to be paid to foreigners, for the purchaſe of theſe articles, will be ſaved to the nation. I ſay, I could extend my enquiry, by examining theſe ſeveral matters; but as the ſubject is delicate, and would carry me to a great length, I ſhall leave them to the reader's own reflection.

F I N I S.

WILLIAMSBURG,
Printed by ALEXANDER PURDIE, and Co.

LONDON,
Re-printed for J. ALMON, oppoſite Burlington-Houſe, Piccadilly.

MDCCLXIX.

6

TWO PAPERS,

On the SUBJECT of

TAXING

THE

BRITISH COLONIES

IN

AMERICA.

The FIRST entitled,

" Some REMARKS on the moſt rational and
" effectual Means that can be uſed in the
" preſent Conjuncture for the future Se-
" curity and Preſervation of the Trade of
" *Great-Britain*, by protecting and ad-
" vancing her Settlements on the North
" Continent of *America*."

The OTHER,

" A PROPOSAL for eſtabliſhing by Act of
" Parliament the Duties upon Stampt Pa-
" per and Parchment in all the *Britiſh*
" *American* Colonies."

LONDON:
Printed for J. ALMON, oppoſite BURLINGTON-HOUSE, in PICCADILLY. 1767.
[Price SIX-PENCE.]

TO THE

READER.

THE following Papers were drawn up by a Club of *American* Merchants; at the Head of whom were Sir WILLIAM KEITH, Governor of *Pennſylvania*; the celebrated Mr. JOSHUA GEE, and many other eminent Perſons. They were printed and publiſhed in the Year 1739, and are now re-printed and re-publiſhed entire, that the World may ſee what were the Sentiments and Doctrines, at that Time, of the greateſt Friends to *America*, and of thoſe who were beſt acquainted with the Rights and Commercial Intereſt of the Colonies; particularly with regard to the Eſtabliſhment of Stamp-Duties in *America*, by the Parliament of *Great-Britain*, and the Application of the Revenue ariſing therefrom; in both which Reſpects, the Plan contained in theſe Papers agrees exactly

exactly with the Stamp-Act repealed during the laſt Seſſion of Parliament. By comparing theſe Papers, which were printed near thirty Years ago, with the Doctrines lately broached in *America*, and now publicly avowed here by Miniſters of State for the firſt Time, the Reader may be enabled to form ſome Judgment of the Merit or Demerit which thoſe who have ſupported or reſiſted them have had to the King, the Parliament, and the People of *Great-Britain*; and it is therefore hoped, that the Publication of them cannot be thought improper at this Juncture.

Some

Some REMARKS *on the moſt rational and effectual Means that can be uſed in the preſent Conjuncture for the future Security and Preſervation of the Trade of* Great Britain, *by protecting and advancing her Settlements on the North Continent of* America.

THE Incroachments and conſiderable Advantages which of late Years have been made, eſpecially by *France*, on the *Britiſh* Commerce every where, but more particularly in the *Weſt Indies*, by Means of that Nation's having the Preference to furniſh the *Spaniards* with all they want in thoſe Parts, and conſequently to ingroſs an immoderate Share of that Wealth or Bullion which is the Support of all *European* Trade, is a Matter of ſuch Conſequence, as calls for our immediate and moſt ſedate Deliberation; becauſe, unleſs we can either bring the *Spaniſh* Nation into that Freedom of Commerce

with us again, as they have formerly been accuſtomed to, and would naturally chuſe, or by ſome particular Induſtry ſecure to Ourſelves all thoſe Advantages which can be made in Trade, by carefully protecting and encouraging our many extenſive and valuable Settlements in *America*, it will in all Appearance be impoſſible for *Great Britain* much longer to ſuſtain that Rank, which ſhe has now held for almoſt two Centuries amongſt her *European* Neighbours.

With great Deference and Submiſſion therefore to whatever the Councils of *Great Britain* may think fit in the preſent Juncture of Time to determine, with regard to Peace or War, it is humbly propoſed only, that ſome little Care ſhould be immediately taken to put our Colonies, eſpecially in the Continent of *North America*, in a proper Condition either to defend themſelves againſt any Attacks that can be made on them in War, or to protect and duly encourage their lawful Commerce in Time of Peace.

For this Purpoſe, if we pleaſe to conſider firſt the Situation of the *Britiſh* Colonies,

Colonies*, with reſpect to their Rivals in *America*, and how the *French* have moſt indefatigably carried on their Friendſhip and Correſpondence with the Natives all along bordering upon and behind our Settlements, from *Quebeck* to the Mouth of the River *Miſſiſſippi* in the Gulf of *Mexico*; ſo that our Indian Traders are continually obſtructed from travelling Weſtward on the Lakes by a Multitude of little Forts, erected at proper Diſtances, and filled with *French* Soldiers to protect their own, and interrupt our Commerce that Way; by which Means the vaſt and numerous Nations of *Indians* to the Weſtward are wholly deprived from the Opportunity of dealing with the *Engliſh*, notwithſtanding that we can afford all the Commodities they want at above 150 *per Cent.* cheaper than what they pay to our Rivals: And next, if we do but examine the vaſt Diſproportion of Numbers between Us and Them, as well as the much greater Variety of Commodities wherewith We

 can

* Vid. *A Report to the Lords of Trade from the Governor of* Penſylvania, February 1718.

can more readily ſupply that Trade, and the prodigious Spirit and Inclination in our People to carry it on, nothing ſurely but infatuation can ſuffer us to delay one Moment in raiſing ſuch a ſmall Number of Regular Troops, to be conſtantly employed there, as would maintain our unqueſtionable Right to the vacant Lands on the Back of our own Settlements, encourage the Progreſs of our Plantations Weſtward, and thereby eaſily open to Ourſelves a free Correſpondence with thoſe vaſt and populous Nations of *Indians*, to whom, merely for lack of the common Means of Acceſs to them, we are at preſent altogether Strangers.

So very important is the Nature of this Subject juſt now, that in caſe of a War, if our Settlements ſhould continue in that weak and helpleſs Condition they are now, to lie expoſed to the Inſults and Attacks of the Enemy, without the Protection of any Kind of Fortifications either before or behind them, and without the Aid of any other Troops but a looſe, diſorderly, and inſignificant Militia, ſurely we can expect nothing

elſe

elſe but ſuch Deſolation and Ruin, as the Induſtry of many Years to come will not be able to repair.

Wherefore it is humbly propoſed, that a ſmall Body of Regular Troops be immediately raiſed for that Service on the North Continent of *America*, to be commanded and diſpoſed of all along the Weſtern Frontier of our Settlements there, by an experienced General Officer under the Crown, independent on the particular Orders of the reſpective Governors, yet to be aſſiſted by them in Council on every emergent Occaſion: The Reſolutions from Time to Time, and whole Proceedings of which General Council to be conſtantly tranſmitted and laid before the King in his Privy Council, as the dernier Reſort and ſupreme Authority in all Affairs relating to the Plantations; ſome ſuch Regulation as this, it is humbly conceived, would effectually prevent all or moſt of the Dangers and Loſſes, we have, as Matters now ſtand, but too juſt Cauſe to apprehend, and at the ſame Time it would give ſuch Protection and Encouragement

to

to all manner of Buſineſs in the Plantations, as would greatly pleaſe the People Abroad, and likewiſe bring conſiderable Profit to the Merchant at Home; ſo that there is good Reaſon to expect the *Britiſh* Subjects in *America*, for whoſe immediate Advantage and particular Service this Scheme is chiefly deſigned, would on that Account chearfully comply with any moderate and eaſy Tax that could be laid on them for ſo good and neceſſary a Purpoſe; *on Condition however that all the Money to be ſo levied amongſt them ſhould be punctually and ſtrictly applied to this Service, and no other: From all which we preſume to affirm, that if the Duty on Stamps was,* by *Act of Parliament, now eſtabliſhed in all the* Britiſh *Colonies,* and that *the Product of that Revenue was, by the ſame Authority,* ſtrictly appropriated to the Service of thoſe Plantations only, it would moſt certainly anſwer the propoſed End, for the Encouragement and Protection of Commerce, and, thereby, the true Service and Honour of the *Britiſh* Nation; all which is moſt humbly ſubmitted to the

Conſideration

Conſideration and Judgment of our Superiors.

Much has been ſaid and wrote of late about the Decay of the Woollen Manufactory; but, without entering into the particular and various Reaſons, how that Staple has ſuffered, and been reduced from the very flouriſhing Condition it was in a few Years ago, it will certainly be more prudent, and therefore eligible, to diſcover and encourage a new Vent for the Woollen Manufactory of *Great Britain*, than to ſtrain our Invention otherways, by contending with thoſe Advantages, which our Rivals have obtained by ſuch Induſtry and Management, as we can neither interrupt nor prevent.

Suppoſing, then, that by due Encouragement to the Colonies, eſpecially on the Continent of *America*, we ſhould proportionably increaſe a conſtant Demand for our coarſe Woollens, which is allowed to be the Bulk of that Manufacture, we ſhall thereby ſecure a certain and profitable Vent for that valuable Staple, independent of all Foreign Nations,

Nations, and in Deſpite of any Arts they can poſſibly uſe to obſtruct us; which Conſideration alone is ſufficient to demonſtrate the important Advantage, which muſt accrue to *Britain* by protecting, encouraging, and extending her Plantations on the Continent of *America*.

PROPOSALS

PROPOSAL *for eſtabliſhing by Act of Parliament the Duties upon Stampt Paper and Parchment in all the* Britiſh American *Colonies.*

THE Contiguous Situation of the *Britiſh* Colonies on the Coaſt of the Northern Continent of *America*, is not only a very great Advantage to the Trade of *Britain*, but likewiſe has of late Years produced ſuch an Increaſe of Inhabitants, as has rendered them vaſtly Superior in Strength of People, when compared either with the *French* or *Spaniſh* Settlements on the ſame Continent; ſo that under a wiſe and good Regulation of Government, *Britain* has little to fear from her Rivals in *America*, and may eaſily provide for the Safety and Protection of her Dominions there without the Trouble of frequent Equipments, or expenſive Expeditions from *Europe*.

But as the Policy of the *Britiſh* State has wiſely divided thoſe Settlements into many ſeparate Governments independent on one another, whereby they cannot be forced into any Union of Councils, or otherways deprived of that Liberty which is peculiar to the Subject of *Great-Britain*, ſome other Method muſt be contrived, in Caſe of any Breach with *France* or *Spain*, to raiſe a public Fund in *America* for the Maintenance and Support of any Military Force, which may be found uſeful and neceſſary to be kept up in thoſe Parts, in order to preſerve the Ballance of Power, and protect the Trade of *Britain*.

For this Purpoſe it is propoſed, that without obſtructing in the leaſt any Branch of Commerce, or affecting the Property of Lands in that Part of the *Britiſh* Dominions, the Duties on Stamps may be extended by Act of Parliament to all the Colonies, and the Produce applied to anſwer the Expence of Land Forces and other Public and neceſſary Services in the *American* Plantations, to the great Eaſe of the Mother State, and without

without the Trouble of applying to the ſeveral Aſſemblies in ſo many Diſtinct and Independent Provinces, who never could be brought in voluntarily to raiſe ſuch a Fund by any general and equally proportioned Tax among themſelves.

It is likewiſe propoſed, that the ſeveral Kinds of Stamps to be ſtruck for *America* ſhall be different, and bear a remarkable Diſtinction from thoſe uſed in *Great-Britain*; and that there ſhall be one Commiſſioner added to the preſent Commiſſion for the Stamp Office, who ſhall be a Member of that Board, and accountable to the ſame for all ſuch Quantities of Stamps as he ſhall call for and receive out of that Office for the Uſe of the Plantations.

That the ſaid Commiſſioner for *America* ſhall receive his Inſtructions from the Board at *London*, and be directed forthwith to proceed to every one of the Colonies in *America*, and there to depute ſuch and ſo many Perſons in each Colony, as he ſhall judge needful, to reſide at the moſt convenient Places for the delivering out all ſuch Stamps as the Peo-

ples Occaſions may require, and are called for from Time to Time, he taking good and ſufficient Security for the Fidelity of the Officers ſo by him deputed, giving them at the ſame Time Inſtructions how and in what Manner the Money or Value of the Stamps ſo by them delivered out ſhall be returned to the Stamp Office at *London*, where all Accounts of that Revenue are to be regularly made up, and returned every Quarter, and the whole Management thereof ſubmitted to the Direction of that Board from Time to Time.

That the Commiſſioner for *America* ſhall have Power to ſettle the yearly Allowance or Salary to be given to the Officers his Deputies and Clerks abroad, and he be allowed for his own Trouble and Expence, which will be very conſiderable in travelling from Place to Place, the Sum of

per Annum.

REASONS, *humbly offered in Support of the above Propoſal to extend the Duties on Stampt Paper and Parchment all over the* Britiſh *Plantations.*

The Author of the above Propoſal diſclaims, all Views of depriving the *Britiſh* Subjects in the Plantations, of any of thoſe Rights and Privileges which are derived to them as natural-born Subjects of *Great-Britain*; but on the other Hand, he cannot conſider that Part of his Majeſty's Subjects Abroad to be inveſted with any Sort of Rights or Privileges, that are of a higher and more independent Nature than what their Brethren of *Great-Britain* can claim at Home. For he conſiders all the *American* Provinces as ſo many diſtinct Incorporations, who, from the Accident of their diſtant Situation, are inveſted with various Privileges, eſſentially neceſſary to their Society in ſeparate independent Governments. But he conceives that the Subjects there, are under no other ſupreme Legiſlature but that of *Great-Britain*;

Britain; inſomuch that every Subject in *America*, as often as his Occaſions require, has an indubitable Right to make his humble Application to a *Britiſh* Parliament, where he virtually conceives himſelf to be truly repreſented; becauſe the common Intereſt of the *Britiſh* State or Commonwealth, moſt certainly includes the Subjects of *America*, equally with thoſe of every other Part of the Dominion, and ſo we find it to be underſtood by the Tenor of the famous Act of Navigation, as well as other reſtrictive Acts relating to Commerce and the public Revenue.

When People therefore pretend to diſtinguiſh between the Intereſt of the Plantations and that of *Great-Britain*, they do not advert that theſe two, from the Nature of Things, muſt always be the ſame, even ſo when the particular Intereſt or Advantage of any one Colony is placed in Oppoſition to that of all the reſt; it is quite from the Purpoſe, and cannot in that Light be ſuppoſed to merit the Conſideration of a legiſlative ſupreme Power.

The

The Grounds of the preſent War with *Spain* ſufficiently declare, that it is the Intereſt of the *Britiſh* State to maintain and defend her Settlements in *America*. And the Condition of many Branches of the public Revenue, as well as of the national Trade, for ſome Time paſt, in like Manner demonſtrate, that to promote the Intereſt of the Plantations in general, to extend their Settlements Weſtward, and protect their Trade with the Natives, is a very conſiderable public Concern, worthy the Attention of the Legiſlature. And it being not only a received Maxim in Policy, but the peculiar Badge of a free Conſtitution, that every Member of a Commonwealth ought to bear his juſt Proportion of whatever public Taxes are needful to be raiſed for ſupporting the Rank, or improving the Intereſt of the State, we may equitably conclude, that ſince it is evidently become neceſſary for *Britain* to erect Forts, and maintain a reaſonable Number of Troops for the Defence of her Dominions in *America*, the Subjects there will have no juſt Cauſe to complain

plain, if, for that particular Service, one of the eaſieſt and leaſt burthenſome Taxes, which the Wiſdom of Parliament has thought fit to impoſe on the Subjects of *Great-Britain* at Home, be now extended to the Plantations in *America*.

Some of the Advantages that would accrue to *Britain*, as well as to her Colonies, by ſuch an Act of Parliament, are conceived to be as follows, *viz.*

I. All the Colonies, but eſpecially thoſe on the Continent, would immediately and moſt ſenſibly feel the warm Influence of ſuch a Protection and Support in carrying on their induſtrious Commerce, and extending their Settlements, as they have not hitherto had any Experience of; and it would be a mighty Encouragement for them to have annually the Occaſion of obſerving, that the Money raiſed amongſt themſelves for this Service, was ſtrictly accounted for to Parliament, and duly applied for their proper Benefit.

II. It

II. It would put an entire Stop to all thoſe Complaints and Diſputes daily ariſing between the People of the Colonies and their reſpective Governors, about raiſing Forces, and otherwiſe complying with the Royal Inſtructions, in Matters which are truly beyond their Capacities, and always contradictory to their ſelfiſh and narrow Diſpoſitions.

III. It would gradually, with Time, introduce amongſt them a more juſt and favourable Opinion of their Dependency on a *Britiſh* Parliament, than what they generally have at preſent; and as it would intitle them, on many Occaſions, to ſeek Redreſs in Parliament, it would keep the ſuperior and arbitrary Officers amongſt them in ſome Awe, and prevent a Multitude of injurious, oppreſſive Practices, which would perhaps be thought too invidious to enumerate here.

IV. The Expence of Stamps would be a very proper and eaſy Cheque to that immoderate Quantity of Paper Bills

ſtruck in many of the Colonies, to the Diſcouragement of fair Trade, eſpecially from *Europe*, and which no Method yet tried has been found ſufficient to regulate within due Bounds.

V. It would place the united Strength of all the Colonies together into the Hands of the Crown, without affecting their conſtant and neceſſary Independency on one another.

DOUGLAS, in his Summary of *America*, written and publiſhed at *Boſton*, in the Year 1749, ſays, "As vexatious Suits in Law are a great Nuiſance "in all Countries, and the ſmaller the Charges of "Courts, the greater is the Encouragement to "ſuch Suits; therefore there ſhould be *a Stamp-* "*Duty* upon all Writings, or Inſtruments, uſed "in Law Affairs."

Vide Vol. I. p. 259.

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To the Right Honourable EARL TEMPLE.

Clariſſimi viri noſtra civitatis tempcribus optimis hoc ſibi ampliſſimum, pulcherrimumque ducebant, ab hoſpitibus clientibuſque ſuis, ab exteris nationibus quæ in Amieſtiam populi Romani ditionemque eſſent, injurias propulſare cerumque cauſas defendere.

Cicero. Orat. Contra Cæcilium.

LONDON:
Printed for J. ALMON, oppoſite Burlington-Houſe,
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AN

APPLICATION, &c.

My Lord,

THE diffuſive benevolence, and diſintereſted deportment, which have characteriſed your Lordſhip, through each private and public ſtage of life, points you out as the perſon moſt proper to be addreſſed, by a man, who is willing to lay open ſome errors in our policy, which require a ſpeedy correction; you, my Lord, will extend your public concern beyond the confines of your native country, and conſider every part of the human ſpecies, which has any connection with England, as meriting your care and patronage.

There is not, perhaps, any one point of view, in which we can behold this kingdom at preſent more truly intereſting, than that of the relation which it bears to thoſe people, who are connected with us, in a ſecondary *, or kind of dependant nature; ſome

* Scotland without doubt, is united with England by the ſolemn act of both nations, but the fundametal difference of their laws is ſo great, and their manners and ideas of government ſo very diſcordant, that I muſt ſtill behold them in the ſecondary light in which it is placed above.

united, but not receiving our municipal law, others receiving our laws after a ſtruggle of many centuries, and others willing to make laws for themſelves, had they a power to execute them. After a war, therefore, in which a conſtitutional exertion of our native ſtrength has procured us at leaſt a very reſpectable commerce, nothing can more juſtly merit our attention, than thoſe nations, who, beyond the limits of England, form the ſeveral branches of the Britiſh empire they are numerous, they inhabit countries abounding in all the neceſſaries of life, and fruitful of the materials of many of its comforts; but above all, theſe countries produce the *genus acre virum marſam pubemque ſabellam*; their cuſtoms, nay, even their countenances, are Britiſh, after a ſeries of generations; they have, in ſhort, every title to the utmoſt care and regard of the mother country, which intereſt or affection ſhould beſtow.

The more heterogeneous the parts which enter into the compoſition of any body, the leſs capable of ſolidity and permanency will it be; the jarring of their natures preventing that intimate union and firm coheſion, in which the ſtrength of natural and of political bodies does primarily conſiſt. This compactneſs, once attained to, good laws and inſtitutions communicating their ſpirit, give it that powerful momentum, which nothing

can

can reſiſt; if then a kingdom, from circumſtances of colonization or otherwiſe, muſt have a connection with other people, it is the duty and intereſt of that kingdom to aſſimilate theſe people with themſelves, as ſoon as poſſible; if to be born and ſupported by them, the nearer they are drawn like armour or garment, the leſs ſenſible will the principal be of the burthen; if able to ſupport themſelves, perhaps aſſiſt the mother country, the more cloſely and naturally joined, the more capable like our limbs, will they be to help and be of ſervice; and yet ſtrange, although moſt certain it is, that the conqueſts and colonies of nations, who themſelves have enjoyed Liberty, and are therefore more diſcerning of the advantages which it muſt bring to others, have generally felt more oppreſſion, and have been leſs tenderly cheriſhed by the conquerors or colonizers, than thoſe of abſolute monarchies. Thus we perceive, the conquered provinces of Rome, far from being diſpleaſed * at the fall of the commonwealth and eſtabliſhment of deſpotiſm. Whether this ariſes from the mean opinion, which conquerors for the moſt part conceive of the conquered, deeming them unworthy of, and incapable to make the proper uſe of Liberty, or from an hatred, im-

* *Neque provinciæ illum ſtatum rerum abnuebans, ſuſpecto ſenatus populique imperio, ob certamina potentium et averitiam magiſtratum*——Tacit. 1. Annal.

preſſed by their obſtinacy when an enemy, I cannot determine: however, am inclined to believe, that upon the firſt reduction of them, the conquerors dared not truſt them with Liberty; but upon removal of theſe apprehenſions, by length of time and other circumſtances, they ceaſed to be actuated by the proper motive of conqueſt; the mighty maſters themſelves, degenerate and corrupt, loſe that benevolence which ſhould ſhare the bleſſings of a free government with their fellow creatures; nor are they impelled by a deſire of ſerving the human ſpecies, in being the inſtruments of the Almighty, in reſtoring it to the exerciſe of a rational, and ſince the goſpel diſpenſation, a chriſtian well-tempered Liberty: and this, with ſelf-defence, which ſuggeſts conqueſt by way of prevention *, are, in my opinion, the only principles upon which a conqueror can by any means whatſoever be juſtified. If they conſider the hearts of thoſe who have the misfortune of falling under their domination, as too narrow for the entertainment of the noble and elevated ſentiments of Liberty, and compare them to weak ſtomachs, which may be clogged and diſabled by ſolid and ſubſtantial food; or an eye, which long uſed to darkneſs, unexerciſed by real objects, nothing preſenting but figures and fantoms of

* *Cui poteſtas nocendi exipitur utiliter vincitur.*
Aug. de Civitate Dei.

its

its own creation, and which may be diſordered, perhaps deſtroyed by too ſudden an infuſion of a ſtrong light; then ſhould liberty be portioned out to them by degrees, according to a judicious and ſtrict political regimen, previous to which it is the duty of the conqueror to enlarge their underſtandings, meliorate and prepare their hearts, for receiving this plant of *cæleſtial ſeed*; otherwiſe are they left in a worſe condition than before, and all the boaſted encomiums of their maſters upon liberty, and thoſe bleſſings which their conſtitution affords, are but blinds to carry on their deſigns, with vile views of lawleſs dominion, and of a commerce whoſe objects are avarice and luxury.

To a perſon who conſiders the ends of conqueſt in that extenſive, give me leave to add moral and religious light, in which I am well aſſured, that your Lordſhip beholds every political matter; it muſt be evident, from the acknowledged goodneſs of the Creator, that the happineſs of his creatures was the end of their formation; and that in order to give theſe creatures an oppportunity of rendering themſelves more grateful to him, it is placed within their power, by a proper exerciſe of their faculty and freedom of will, to be the meritorious inſtruments of making each other happy. One man has it in his power to ſerve his neighbour, the neighbour gives his aſſiſtance where it is wanting:

wanting: one nation ſupplies by commerce where another is defective, and is relieved in its turn: the conqueror gives to the conquered, arts, ſciences, laws, manners; and receives from the conquered, numbers, friendſhip, additional ſtrength; thereby forming a more powerful community, ſecured againſt external violence, quiet in the cultivation of uſeful knowledge, and in the practice of every moral virtue. It is difficult, I will confeſs, for a people, who behold themſelves ſuperior to others in arts, in arms and induſtry, not to give way to an over favourable opinion of ſelf; and not to bear an haughtineſs of deportment to thoſe, whom they look upon as ſo far beneath them: this may be excuſed, it is true, and charged to the account of human frailty in the uneducated, uninformed part of a people; even there, it were better if otherwiſe, and it is the duty of the leading men in ſuch a ſtate, carefully to ſuppreſs by authority and example every appearance of inſolence; becauſe, no other things, not even ſuperiority of wealth and power, can create ſuch a degree of jealouſy in their neighbours; ſtrangers wiſh for an opportunity of humbling their pride; their own provinces are at beſt but indifferent whether they ſtand or fall, and are often dubious, whether a change of maſter may not turn to their advantage. Surely then, my Lord, a nation happily circumſtanced from ſituation,

from

from climate, from a favourable temperature of mind and body, (all which unjuſtly attributed to chance, are produced by a chain of cauſes framed by providence for good and wiſe purpoſes) a nation thus diſtinguiſhed by heaven, ſhould not look upon theſe advantages as beſtowed merely for their own ſakes, and their effects to terminate within the narrow compaſs of England or of Italy; they ſhould behold themſelves in no other relation of ſuperiority, than as inſtruments of promoting real knowledge, pure religion, and virtuous liberty; the three moſt deſirable objects of human purſuit, and which perfected and refined form permanency, ſubſtantial, and rational happineſs. The power, therefore, which miſapplies advantages thus derived from the ſupreme Being for the above purpoſes; who thinks each country, whoſe inhabitants they can out-number or out-diſcipline, a new ſource of luxury to their diſſipated, effeminate, immoral nobility and gentry; who treat their allies and colonies as miniſters only to their pleaſures and profuſions: the dominion of ſuch a people can be but of ſhort duration; becauſe its exiſtence, and the general ſcheme of providence, are incompatible: their inſolence confirms them that other countries are made for their ſole uſe and gratification; this leads to luxury, to debility, to ſecurity; ſo by natural cauſes, as clear as the laws of motion to the man who

who cloſely obſerves the political effects, which gradations to vice in thoſe individuals conſtituting a community, have always produced; this nation's ruin muſt be accelerated: it muſt give way to ſuperior virtue; from which a completion of the deſigns of providence may with more reaſon be expected. Theſe ideas of the ends of conqueſt, however ill ſuited to the refinement of the age we live in, may I doubt not ſtand the violence of modern ridicule, if fortunate enough to merit your Lordſhip's ſanction; and here, however diſſatisfied with myſelf, when varying in opinion from ſo reſpectable a writer as the Baron Monteſquieu, yet muſt I declare, that the applauſe beſtowed upon the ſpirit, with which Alexander conquered the Perſian empire, by that great politician, ſeems founded upon notions of conqueſt, which ariſe rather from falſe glory and oſtentation, than any real utility to the human ſpecies; elſe would he never have panygerized that hero for renouncing the ſober, manly, virtuous manners of Greece, and adopting the ſoft and luxurious manners of Perſia; and to what end? why, thro' an exceſs of tenderneſs to the vanquiſhed. This I will venture to ſay may be better accounted for by the ſudden turn to pleaſure, which that young hero had taken, and his love for the fair Aſiatick princeſs, than upon any principles of uncommon humanity; and

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it is ſubmitted to your lordſhip, whether his humanity would not have diſplayed itſelf to greater advantage, by bringing over the Perſians to the diſcipline of his own country: it being moſt certain, as he himſelf has obſerved, that ſuch nations, as have the misfortune to be conquered, are for the moſt part degenerated from their original inſtitutions *, rather ſerved by deſtroying their pernicious prejudices, and laid by conqueſt under an happier genius; ſo that leaving a nation to its own bad laws and cuſtoms, which are often a diſgrace to humanity, is like leaving a wayward child to its own bad humours, when wholſome correction ſhould be adminiſtred, in order to reform a nature, perhaps originally vicious (being born in ſin;) and as it is the duty of a parent, whom experience, education, and a mild and moral religion has qualified for the taſk, to beſtow them on his offspring; nay, to uſe ſeverity, if found reluctant to his diſcipline: ſo is it of a conquering nation, enlightened by literature and pure chriſtianity, to offer to the conquered a better ſet of manners than their own; and if rejected, by proper political conſtraints, where the idea of cruelty is totally excluded, compel to receive them, and become happy.

The moderns, to whom chriſtianity has given great advantage over the antients in that

* Monteſquieu l'eſprit d'loix, lib. 10. chap. 14.

article of rendering ſervice to human nature, by their power and influence, have propagated their religion, I mean the Catholick ſect, with a view only to empire and profit: they propagate religion with a deſign of making it, by the aſſiſtance of their prieſts, an engine of dominion, rather than a *light to enlighten the Gentiles*; and infuſe ſo poiſonous a mixture of wicked and ſuperſtitious prejudices into the chalice, which they preſent to the innocent deluded natives, whom they have ſubdued, or ſet down amongſt; that inſtead of being invigorated and filled with the ſpirit to perform good and chriſtian works, they become intoxicated by the draught, and are entirely loſt to any notion of the charities. The Proteſtants agree in conſidering trade as their ultimate; but in matters of religion are ſo cool and indifferent (except in one of our American colonies) that they look upon religion as a plant, which muſt rear itſelf for them, or abſolutely periſh, and ſcandalouſly remiſs in the buſineſs of reclaiming their ſavage fellow-creatures, to which end alone providence has veſted them with ſuch ample powers, think themſelves totally acquitted of doing no ſort of good by the aid of religion, they can withhold themſelves from making it the inſtrument of evil. Such is the abuſe of theſe advantages, by the nations of Europe who are favoured by heaven, and as it were

intruſted

intruſted with the care and inſtruction of the yet uncivilized part of the globe. The Jews, once a choſen people of the Deity, perverſly refuſed the light of the goſpel when offered; the nations of chriſtendom, who ſeem elected to be the diſpenſers of the true religion, either neglect to let in the light upon their fellow-creatures, or throw in ſuch a glare of ſuperſtitious pageantry, as muſt dazzle, or entirely darken their underſtandings.

It is not pretended, that when enterprizes are ſet on foot, when diſcoveries of new countries are propoſed, that undertakers can be ſufficiently animated by the deliberate moral motive which I have inſiſted upon. Veloſco d' Gama, with the other Portugueze adventurers upon the coaſt of Africa, whilſt they were erecting croſſes wherever they landed in honour of chriſtianity, by the acknowledgment of their own hiſtorian, De Feria, received the real ſpur to enterprize from a deſire of gold, and other materials of trade: as did, with ſome addition of a love of fame and glory, the Engliſh navigators, Raleigh, Drake, and others. The thoughtleſs ſeaman and ſoldier, muſt have a mere ſenſual object for his end. But it is the duty of the cool ſpeculative ſtateſman, to dart his eye beyond the ſurface; and to manage in ſuch a manner, that not only his own country, but the human ſpecies, ſhall

receive moral benefit, from the paſſions and propenſities of individuals.

The general obligation by which the civilized parts of the globe are bound to communicate morality, religion, arts and ſciences to the reſt, and conſequently liberty the root of all, (for abſolute conſtraint even to good, puts a negative upon any merit in the action;) I ſay, my Lord, this general obligation had almoſt drawn me from ſight of my particular ſubject, which was contracted to the ideas of that bad policy in free ſtates, which have treated their allies or colonies with ſeverity; who have been remiſs in preparing them for liberty, and when prepared, who have refuſed to beſtow it on them.

The Romans were brave, they were wiſe (in ſpite of Grecian romance), they were virtuous above all other nations; yet were they far from perfection in that part of their policy which related to their allies. It is not the lot of mortals. They entertained notions too exalted of their own merit; and it was with great reluctance, that their neighbours were received into any kind of equality with them; witneſs the indifference of Romulus, in revenging the death of Tatius *, upon the Laurentes, which had a face

* Eam rem minus agre quam dignum erat tuliſſe Romulum ferunt, ſeu ob infidam ſocietatem regni, &c. poſt

face of connivance, if not of having been an accomplice in the murder. The vigour, indeed, and courage, with which the Samnites and other Italian ſtates ſo long defended their independency, was enough to create a jealouſy in the minds of the Romans; and we therefore ſee that it was not, until enemies of greater ſize and danger had obliged them to form their armies out of theſe ſtates, that this jealouſy abated. Yet, to the laſt, the center being the poſt of ſtrength, always conſiſting of the legions and the allies, placed upon the flanks; this military inſtitution, rigidly obſerved, prove, that they continued to entertain ſome doubts, either of the fidelity or capacity of their conquered friends. But as luxury encreaſed, and the apprehenſion of foreign enemies vaniſhed, their antipathy to the allies became more viſible; all notions of that equality, ſo eſſential to the very being of republicks, was intolerable; and lords of the world themſelves, they would lord it over thoſe who ſo powerfully contributed to make them ſo; arrogating the merit of every acquiſition made by the ſtates: the profits they alſo ſeized upon, by monopolizing the conquered lands, in direct oppoſi-

poſt Tatii mortem ab ſuâ parte non erat regnatum in ſocietate aquâ.

Romani veteres peregrinum regem aſpernabantur, liv. 1.

oppoſition to the old, but not abrogated Licinian law. Thus would they exalt themſelves above their fellow ſoldiers, for no other reaſon, that we can diſcover, but that of being born nearer the Tyber, or within ſight of the Capitol. The allies were diſguſted, and with reaſon; the Mani, the Peligni, over whom, or without whoſe aſſiſtance Rome never had triumphed, beheld theſe acts of inſolence with the warmeſt indignation; they demanded that freedom of the city, to which their ſervices had intitled them; they were ſupported in theſe demands by Mummius *, Beſtia, Cotta, ſome of the moſt reſpectable names of Rome; the ſecond Africanus, who was an eye-witneſs of their bravery, aſſiſted them with his credit and intereſt, and loſt his popularity amongſt the old citizens, by an act of the greateſt equity. Theſe laſt the Patricians had gained, by raiſing jealouſies in their minds againſt the allies and their abettors, and were moſt effectually ſupported by the order of knights, at that time the moſt profligate body of men that ever diſgraced a community; yet, formidable in the poſſeſſion of a judicial power in caſes of bribery, corruption, and miſbehaviour in publick office. What the allies could not obtain by the interceſſion of ſuch

* Vide Appian, on the civil wars of Rome, where he treats of the cauſes of the ſocial war.

great

great and virtuous men, they ſought by force. A war broke out; the greateſt Roman generals, Sextus, Cæſar, Craſſus, even Sylla and Marius, yielded in their turns to the bravery and conduct of a Judacilius, an Egnatius, a Cato; ſo bloody was the war on the ſide of Rome, as to produce an ordinance, that the killed in battle ſhould be buried on the ſpot, and not brought into the city, leſt the numbers of dead bodies ſhould intimidate the people; they armed their freedmen, a ſtep never taken, but in caſes of the greateſt emergency. At length, obliged to divide the allies, they granted to thoſe, who had not appeared in arms, the freedom of the city; by this ſtroke of policy did they confirm the wavering, give hopes to thoſe who had declared againſt them, of obtaining the ſame, looſened the ties of the confederacy, and blunted, in a great meaſure, the edge of animoſity. From the day on which the Julian Law was paſſed (called ſo from Sextus Julius Cæſar, who enacted it) the arms of the republick were more proſperous. However, the war continued even under theſe circumſtances of disjunction, ſo unfavourable to the allies, until they carried their point; and all the Italian ſtates, the Lucanians and Samnites themſelves, names hateful, and let me add, terrible to the Romans, were at length admitted to their freedom.

Thus

Thus, my Lord, does it appear how fatal the pride, the avarice, the ambition, the arrogance of Rome, had nearly proved to the very being of their commonwealth; how an affectation of being ſelect, how a diſdain to mix, to incorporate with their countrymen, and thereby to ſtrengthen the whole, had almoſt produced a total obliteration of the Roman name; and how Rome, by diſregarding theſe ends of conqueſts, for which I have before contended, by endeavouring to engroſs all, were put to the utmoſt ſtretch of policy to ſecure any. If the Romans had frankly ſhared their privileges with the allies, upon the footing they afterwards granted them, had they done it with an air of good-will, then would they have avoided this dreadful war; and the new citizens entertain no diſtinction in their minds between themſelves and the old citizens, they would have conſidered the riches, the ſplendor, the glory of Rome as their own; they would feel her misfortunes, and rejoice in her proſperity; and they would have maintained a ſuperiority in the love, gratitude, and reſpect of the new citizens, though not by the laws and conſtitution: in ſhort, the allies would ſuffer Rome to govern, but not admit her right of doing ſo. But the very bad grace with which theſe immunities were ceded, extorted as it were by force, a ſeries of indignities; ſuch as turning them out of the city during the

the time of elections, with the ſtrongeſt expreſſions of contempt, had ſo diſguſted theſe high-ſpirited people, and ſo alienated their hearts from their fellow citizens, that we behold them ever afterwards ſtimulated by a remembrance of ſuch ſevere treatment, to give their votes againſt the Patrician party, whether in the right or in the wrong, and forced into the arms of every ambitious diſturber of the public tranquility. I will admit, that the party of whom I now ſpeak, did in the end, by ſupporting Cæſar, rivet the chains of Roman ſlavery; yet muſt it be inſiſted upon, that the proud Patrician did kindle and blow up that fire in which theſe chains were forged; they who ſhould have wiſdom to foreſee the bad effects of injuring a brave people, in whom moderation ſhould have been a check upon avarice and inſolence, whoſe ſagacity ſhould have pointed out to them, how unreaſonable that they alone ſhould ſhare the conquered lands, and enjoy the ſpoils of a plundered world. Men who would not ſee theſe things, could not with reaſon complain, if thoſe who ſuffered this unjuſt excluſion from their immunities and rights, were not ſo philoſophically temperate, as to be always in an humour to forgive and reject every preferred occaſion of being revenged. Who, my Lord, ſhould be wiſe in a country, if that body of men are not ſo, whoſe fortunes, whoſe ſtations, furniſh lei-

ſure, with all the other means of acquiring uſeful knowledge, and of improving their natural talents to the utmoſt perfection of which they are capable? To what end the difference of wealth and power between them, and any other two legged animal in the community? Why that difference maintained by this community, unleſs for the good of the whole? God never gives ſo unequally for the poſſeſſor's ſake; he deſigns this inequality as the root from which that ſubordination ſprings, which is to produce publick convenience and tranquility. Should not then theſe men, in whoſe power it is ſo happily placed to ſubdue their paſſions and refine their natures, avoid every occaſion of raiſing animoſity and diſguſt in the minds of their countrymen? Should it not be rather their glory to bear with their intemperance? This ſurely is more commendable, than to practiſe upon their weakneſs, wanton in their misfortunes, and inſtead of lightening, add to that burthen, which their ſuperiority muſt always lay upon a people whoſe labour and induſtry muſt ſupport it.

The Italian allies were never wanting in reſpect to Rome; even when brought to the loweſt extremity by Annibal, very few of them having joined the Carthaginians from choice; Capua, indeed, ſo naturally diſpoſed to vice, that ſhe outran her miſtreſs by at leaſt a century in the race of corruption.

tion. She it is true moſt cordially went over to the enemy; but in general, conſidering the great diſtreſſes of the commonwealth, the faith of the allies was wonderful; and tho' keeping pace with Rome in all her conqueſts, ſuch was their modeſty, as never to think themſelves on a level with that metropolis, until her citizens were fallen from virtue. They acknowledged her ſuperiority, till ſhe no longer knew how to govern herſelf; and when the ſtates of Italy had arrived at an equal perfection with the Romans in arts, in ſciences, in arms; when their manners were the ſame, their ideas of liberty as inlarged; when their language yielded not to that of Rome, except, perhaps, in ſmartneſs of pronunciation, or ſome quaint turn of phraſe; when their ſtrength of numbers to be employed in extending their conqueſts, or ſecuring thoſe already made, were by no means inferior; why ſhould they not be admitted to a ſhare of government? Why not enjoy the fruits of their toil and hazard? Why not be intruſted with the care of Italy, of their own liberties and properties? It is not from being born within the ſame narrow diſtrict that the identity of country ariſes? Country, in the great ſenſe of the word, admits no limitation from extent of territory, or number; none but want of contiguity, want of a ſimilitude of manners, intereſts, and objects of happineſs

pineſs impoſe; for theſe are wants which may cauſe an unweildineſs in exerciſing the members of the political body; to feel for the ſafety, the proſperity, the glory and liberty of the ſame country, is what conſtitutes us countrymen and fellow citizens: the ſafety of the Roman name, its laws, its cuſtoms, wherever diſperſed by colony, or otherwiſe, was the care of every Italian at the period I now ſpeak of; and he who had theſe warmly at heart, was ſurely entitled to all the privileges of a Roman citizen. Had it been the evil fortune of Rome to have Carthage or Macedon to contend with, when they had ſo unreaſonably provoked their allies; what a weight would theſe warlike nations have thrown into the ſcale of the enemy; they would have felt as ſorely as Carthage did from the reſentment of their abſurd African neighbours. Happily for them no combination was able, at that time, to ſtand before that plan of power which their virtuous anceſtors had formed. The civilized part of the world, Aſia and Greece, were impatient of the yoke, but abject and enervated; nor had the northern nations entered into theſe defenſive aſſociations, which ſoon becoming offenſive terminated in the deſtruction of Roman tyranny. Europe was not at that time digeſted into ſtates, whoſe ſmaller policies bore a reſpect to the grand policy of the whole; it

did

did not ſhare one common military diſcipline as at preſent; nor was every country watchful and attentive to each movement of its neighbour; no compacts made for checking the growth and proſperity of any power which was hated or feared. Had that been the caſe, the Roman ſenate would never have given cauſe of complaint to their ſubjects; on the contrary, it would have grappled them cloſer by every endearment of friendſhip and affection; and altho' loſt to virtue and ſound policy, Rome would have regarded its preſent immediate intereſt and preſervation, and never diſobliged a people, whom nature, by proximity and other circumſtances, had deſtined to be a part of themſelves.

There are no hiſtorical corollaries more certain, than that all ſtates, who have extended their empire by colony or conqueſt, and who are not diſpoſed to unite theſe countries with themſelves after a ſufficient preparation, muſt employ governors in theſe countries whoſe every motion cannot be cloſely watched; that as the principal country comes to loſe its virtues, an indifference, at leaſt, about the intereſt of provinces muſt enſue.

That theſe governors are ſeldom troubled with any inſpection of their conduct, or any after-reckoning; becauſe each leading man, expecting one time or other to exerciſe the

ſame

ſame office, in order to ſecure himſelf againſt future puniſhment, will not eſtabliſh a precedent againſt himſelf by condemning another: thus emancipated from fear, each governor improves in the abuſe of power, until a ſyſtem of abuſe comes at length to be finiſhed and entire; and this is handed down as a rule of government to all who ſucceed to the office; they wiſh not to amend the laws of the province, nor the manners of the natives; they plunder the inhabitants under the cover of laws, to which by an artful deluſion they are brought to give their aſſent; for they enter into a compoſition with ſome of the principals of the country, who by a ſmooth addreſs, and the ſly arts of popularity, find means to glide into the eaſy confidence of the people; and theſe, in conſideration of a very trifling part of the ſpoil yielded to them by their haughty employer, undergo the drudgery of ſecuring the reſt to him.

Rome, the authority to which I ſhall ever recur in political reflections upon free ſtates, (for to trace out the mind of man in the hiſtory of arbitrary governments, where each individual acts under conſtraint, would be to delineate the movements of the human body, from obſervations made upon convulſionaries.) Rome furniſhes many inſtances of governors, prætors, proconſuls, who have ſcandalouſly pillaged the unhappy provinces com-

committed to their charge ; and it abounds with inſtances of a ſhameful failure of juſtice, when theſe delinquents have been impeached by the deputies * from the provinces ; it was upon the acquittal of Cotta Salinator, and Manlius Aquileius himſelf by the ſenate, and this in direct contradiction to the ſtrongeſt evidence of guilt, that the cognizance of the crimes of extortion, and others of a public nature, was transferred from the Patricians to the order of knights ; and tho' an inſttution of the younger Gracchus, yet do we find Cicero † lamenting the revival of this part of the ſenatorial juriſdiction, by Sylla. In ſuch low eſtimation was the juſtice of a Roman Senate at that time ; and ſuch an intereſt had Verres eſtabliſhed by the force of gold, that if the zeal and great talent of Cicero had not ſo powerfully interfered, bribery, together with the proſtitute eloquence of Hortenſius, would

* If the people of Sicily had been repreſented in a gegeneral aſſembly, it is probable that Verres would have eſcaped unpuniſhed, as his money might have procured him a majority in that aſſembly to ſanctify his conduct ; but unfortunately for him, each city had its aſſembly and a power of remonſtrating ſingly before a Roman Senate ; nor could ſuch a wealthy, uſeful town as Manchester be precluded from juſtice by the vote of a corrupt repreſentative of an old Sarum.

† Judiciorum levitate ordo quoque alius ad res judicandas requiritur. Oratio contra Cœcelium.

would have procured him his own friend Cœcilius for his accuſer, who was, without doubt, an accomplice in his villainies: ſo difficult is the taſk of keeping governors of provinces within the bounds of duty; ſo difficult to find a tribunal, whoſe integrity ſhall anſwer to ſo arduous a taſk! But when we conſider how much further than the particular ſufferings and diſcontents of the province, the certain bad effects of an unjuſt, rapacious conduct of the governors of provinces muſt be felt, our apprehenſions for the ſafety of the principal country takes the alarm; when we conſider that theſe governments afford the moſt plentiful ſources of luxury; that the means of gratifying the ambition of private men, nay, that ambition itſelf has for the moſt part its origin, in elevating and habituating any member of a community to a kind of temporary dominion, as viceroy or procunſul; when we reflect upon the number of bad ſubjects, of wicked doſtroyers, of public tranquillity or liberty, which has been made by a fatal exaltation of individuals in free ſtates; we cannot heſitate one moment, in determining to ſuppreſs every neceſſity of raiſing a ſubject to a condition, in which he might believe himſelf a king; and to cut him off from any opportunity of amaſſing ſuch ſuperior wealth, as may, by bribes or evil example, enable him to debauch the morals,

and

and deſtroy the love of liberty in his fellow-citizens. It was not until Cæſar had been ten years at the head of legions in Gaul, that he diſdained to bear a ſuperior in the common-wealth; he never would have plunged into a debt of 170,000l. had he not the hopes of repairing his ſhattered fortunes by the plunder of ſome rich province; and without the plunder of his province he never would be able to bring over the tribes to his intereſt, and influence all elections; ſo far removed as he was from the ſcene of intrigue; and if it was not for the unmerited honours heaped upon Pompey, the ſcandalous adulation of the Patricians, and the amazing power conferred upon him in the war of the Pirates, he too might have endured an equal in the common-wealth. In ſhort, my Lord, it requires, I am ſure, ſomething more than modern virtue to ſtand againſt the intoxication of power, to look with temperance upon great wealth, and not to apply that wealth, when occaſion ſhall preſent, in obtaining an unconſtitutional inſtuence in a free ſtate; it muſt then of conſequence be the duty of legiſlature, to reduce the means of acquiring diſproportionate wealth, or alarming power, which cannot be better effected, than by conſolidating, as far as circumſtances will admit, all the parts of an empire; this will ſupercede the neceſſity of many governors,

who, unable to reconcile themſelves to that face of equality which liberty requires, are wonderfully zealous to work its total deſtruction; and this palpable advantage muſt follow, that when the parts of an empire have all the ſame legiſlative as well as executive government, the intercourſe between the head and the members will be more lively, and things will not paſs thro' the medium of corrupt, indolent, or ignorant viceroys, where truth meets with many delays, and is oftentimes totally obſtructed.

Contiguity of ſituation, or a ſtrong likeneſs of manners and cuſtoms, one of which nature alone can furniſh, the other attainable to by political induſtry and addreſs; either of theſe are ſo powerfully eſſential to union, that without one or the other, it is not ſuppoſed that union can poſſibly take place; and when union has taken place, it never ſhould be clogged by partial circumſtances, but be as entire as poſſible; otherwiſe it will be a cauſe of weakneſs, and not of ſtrength. To apply theſe doctrines, firſt to the caſe of Scotland, from the acceſſion of James the ſixth of Scotland to the throne of England, until the ſolemn act of union. Scotland bore the ſame relation to England, that the ſtates of Italy did to Rome, before the ſocial war had produced a grant of the immunities of the city to theſe ſtates, and altho' the Britiſh union was not obtained by force

force as was that of Italy, yet the apprehenſions (during a bloody war with France, a pretender to the Britiſh crown in being, ſtrongly ſupported by the moſt enterprizing prince in Europe;) of thoſe Highlanders whom Godolphin had armed, did certainly determine that miniſter to bring about an union, and thereby remove all danger from that quarter; ſo that neither the Italian nor Britiſh union was the effect of mutual good will; excluſive of other motives, we ſee convenience, preſent expediency, and ſeveral other cauſes interfere: be that as it will, the event having taken place, all meaſures for producing that likeneſs and cordiality, which is the ſtrongeſt political band, ſhould be purſued by every honeſt man; and to this we are warmly admoniſhed by the example of Rome, where a want of affection between the new and old citizens threw the weight of the former into the ſcale of every corrupt party which aroſe in the ſtate, and attached them, not to their country, but to a Marius, a Cinna, or a Cæſar.

Had the ſame gothick ſpirit prevailed, which made wars and conqueſts the ſole end of taking up arms, then may it with injuſtice be ſaid (however parradoxical it ſhould appear) that Scotland, in a ſtate of ſeparation from England would be more uſeful than united as at preſent; for it would have kept

England alert, and attentive to war. The privileges enjoyed by the inhabitants of the marches, ſhewing how neceſſary their preſence to guard our frontier againſt this warlike neighbour. But England, ſecured from the north-eaſt by the declenſion of the Daniſh power; and having a barrier to the ſouth, in its poſſeſſions upon the Continent; would have ſunk into * indolence and effeminacy, had they no enemies within the iſland; and it is to their wars with the Scotch and Welch, that they owe the bravery and diſcipline of thoſe armies, which throw ſuch a luſtre upon the reigns of our Edwards and Henries, by their glorious atchivements in France. England, as well as all Europe, is very differently circumſtanced from what they were in the days of our plantagenets; the ſpirit of our age is truly commercial; the advantages thence ariſing, are found to be more real and ſubſtantial than the glare, the tumult of conqueſt and triumph. War, from being conſidered as an end, is happily dwindled into the means; and nations, when they conquer, do it rather with an eye to repriſal or diverſion, than with a deſign of retaining the conqueſt. Our great extent of coaſt,

* Is hoſtis velut natus ad continendam inter magnorum intervalla bellorum Romanis militarem diſciplinam erat: nec deerat unquam cum iis vel materia belli, vel cauſa; quia propter domeſticam inopiam vicinos agros incurſabant, Liv. lib. 39.

our

our luxuriant production of all the capital materials of trade, form a ſtronger commercial incentive than any of our neighbours can feel. If Scotland, then, inſtead of being united with us, ſtood connected with France by alliances founded in the early periods, upon reaſon and ſelf-preſervation, engaged by her intereſt to be ever ready in joining to reduce the ſtrength of her formidable neighbour, ſhe would be able moſt powerfully to divert our attention from manufactures, from exportations, and our navy; not having within herſelf many inducements to commerce, war would be her trade, as it is that of Germany; and it is evident from the great ſucceſs of Pruſſia againſt the Houſe of Auſtria, how ſmall a number of inhabitants whoſe reigning paſſion is for war, may furniſh matter of heavy embarraſment to a very numerous and wealthy people. Yet, ſenſible as I am of the great advantage it muſt be, both to Scotland and England, that their union ſhould be cloſe, cordial, free from all jarrings and jealouſies as poſſible, ſtill muſt I ſpeak with freedom ſome thoughts which ariſe, not from want of a due regard to the merit of that country, but with a view to reduce pride, vanity, prejudice, or whatever elſe may obſtruct that ſalutary ſcheme of cloſe friendſhip, which is indiſputably the intereſt of the whole iſland—Firſt of all, I am far from conſidering that people, however

ever reſpectable the individuals may be for their prudence and perſonal bravery, in ſo principal a view as their own writers are pleaſed to do, and amongſt the reſt, the author of an extraordinary paper, dated at Edinburgh. Writers of the polemical claſs, feel a higher glow of imagination than can be uniformly conſiſtent with ſtrict truth; paſſion and party are apt to raiſe their colourings ſomewhat higher than any thing we behold in nature. Scotland, from its contracted territory, poverty of ſoil, and ſmall number of inhabitants, was ever under the neceſſity of reſorting to a foreign alliance, in order to procure to themſelves, as a people, any degree of conſequence: as an enemy, they muſt be looked upon, therefore, in a ſecondary light, they are not in the ſame rank with the Gaul and Carthaginian, but to the Samnite, may they with great juſtice be compared. Their alliances with Ireland, enabled them to diſturb the ancient South Britons, and alarm the Romans when ſettled in this iſland. But, it is well known, that ſince the coming in of our Saxon anceſtors, with the trifling number of 1600 men, to the aid of Vortigern, againſt the Picts, the Northern Britons *, never preſumed to do more

* As to my purpoſe, it is quite indifferent whether the preſent Scotch, are a mix'd breed of Picts and Scotch, or whether the Picts were totally eradicated, ſince both were equally

more than peep into England, until the Norman conqueſt; when the Engliſh, who were ſtripped of their eſtates by William the firſt, carried their diſcontents into Scotland, and and encouraged that people to reaſſume their diſorderly inroads into Northumberland. Our poſſeſſions upon the continent, fixed a kind of natural enemy in the king of France, to whom the Scotch very politically attached themſelves, and drew from that ſource a conſideration, to which they could not otherwiſe poſſibly attain; and when we conſider the Engliſh as a people compounded of Saxons and of Normans, deſcended on one ſide from nations who had deſtroyed the moſt powerful empire the world ever beheld, whoſe name alone was ſufficient to retain the Pict within bounds; and who ſo bravely withſtood the Daniſh force, not the attacks of roving pirates, as is vulgarly ſuppoſed, but a ſteady, well conducted, invaſive war, ſupported by the maritime powers who inhabited the northern coaſt of Europe, from the mouth of the Elbe, and ſo along both ſhores of the Baltick; when we view them deſcended, on the other ſide, from Nor-

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equally terrified by the Saxon power; during ſome of the diſtractions of the heptarchy, they ſometimes ventured into Northumberland; and once leaguing with the South Britains, under their king Aidan, they were for a moment ſucceſsful againſt Ceaulin king of Weſſex.]

mans,

mans, the conquerors of the fineſt province in France, and eſtabliſhing kingdoms, at their will, through Europe; when we conſider themſelves the poſterity of theſe celebrated nations, as the conquerors of all France, and arbiters of Europe, abſurd and ridiculous muſt be that degree of vanity, which aſſumes any pretenſions of ſuperiority, in valour, or any other ſpecies of merit, over ſuch a people.

But as to notions of civil liberty, for which that writer appears ſo much to have valued them, it is in that point, I think them principally defective: love of liberty does not entirely conſiſt in reſolving to maintain independency of a foreign power, there are many other eſſentials to a true love of liberty; becauſe, a nation may be very free from any influence from abroad, and yet totally enſlaved at home; the lords and leading men of ſuch nation, may labour to guard their country againſt ſtrangers, with no other deſign, but that of ſecuring the benefit of its vaſſalage to themſelves; ſo that publick ſpirit, may poſſibly have no concern whatſoever in any of their actions; and really, if any thing can ſink the Scottiſh nation ſo low, as inaptitude for a compleat junction with England, it is the little reliſh they have ever ſhewn for the true bleſſings of liberty. He who would infer the contrary, from the reſiſtance ſo often given to

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their kings, would make the moſt fallacious inference in the world; for many oppoſitions to kings, have proceeded from a partiality to the domination of the heads of clans, the worſt ſpecies of ſlavery, and not from any deſire of being free. Scotland has deſtroyed many of its kings, it is granted, but not with an eye to promote the cauſe of liberty; let it appear, that the Scottiſh inſurrection had ever any ſuch tendency; that they ever attempted to diſcharge, from the minds of the people, their ſlaviſh prejudices, or ſtupid adoration of their lairds, that they ever wiſhed the bleſſing of liberty ſhould extend to every individual who deſerved it; in ſhort, that previous to the union, they ever ſeriouſly thought of deſtroying their heritable juriſdictions; let theſe appear, and Scotland's claim to a love of liberty, ſhall, with her many other well-grounded claims to merit, be moſt willingly admitted.

Reaſons may be drawn from the original formation of the Scottiſh government, why they have been particularly ſlow in their approaches to liberty; but ſome obſervations upon government in general, and upon the difference between the old and more modern Celtick forms in particular, muſt neceſſarily be promiſed. The end of ſocial aſſociation, is the preſervation of thoſe individuals who compoſe it; in a ſtate of nature, the preſervation of ſingle ſelf is the

ſole object; no regard to numbers or country, is ſuppoſed to countervail this firſt conſideration; we, in that ſtate, owe nothing to numbers or country, and nothing will we pay. But from the moment that a community is eſtabliſhed, to ſelf-defence, as a primary object*, that of a nation or aggragate of individuals is ſubſtituted; and it is not from the good of any particular, but from the good of the whole, that the rule of action muſt ariſe. In this ſtate of ſociety, the idea of preſervation, from being more extended, becomes more complicated and difficult; and to thoſe who do not ſeriouſly attend to the ends of government, and the ſubſtitution of that general good which has taken place, to the particular good which before prevailed; ſingle ſelf-preſervation, is ever preſſing upon their minds; and caſes frequently ariſe, where partiality to ſelf, and inattention to publick order and convenience, hinder us from acquieſcing, but with reluctance and diſſatisfaction, under the moſt wholeſome regulations. In general, the reaſonableneſs of giving up our private opinion, though we ſhould ſuſtain a damage, is pretty apparent; but ſome particular incidents there muſt be, where it is not ſo apparent; for inſtance, where the dignity of the executive

* For though ſelf-preſervation is the firſt law of nature, it is not ſo of ſociety.

power

power of a ſtate, ſeems not to conſiſt with the civil liberty of the ſubject; here the wiſdom and penetration of the expounders of law is called forth; here the arduous taſk of ſecuring a part from ſuffering, without endangering the whole; and the important queſtion comes into agitation; Whether the luxuriancies of liberty, wild and beautiful as they appear, but often pernicious to the fruit of good government, ſhall be lopped and kept under? Or whether too great a hazard of deſtroying the ſtock, may not enſue the operation, and ſome abuſes of liberty be more prudently ſubmitted to, than meaſures taken, by which its entire ruin, even by the moſt remote poſſibility, may be incurred? This laſt, is certainly the ſpirit of our law, and it places liberty amongſt thoſe things which it is moſt inclined to favour, looking upon it with a fond parental eye, as that darling child, to whoſe advantage every preſumption is admitted, every conſtruction made, rather than ſee it ſo culpable, as to merit a correction which may by any means injure its beloved frame. That form therefore of government, which provides moſt effectually for the liberty of the individual, without weakening the ſtrength of the magiſtrate; that form which ſecures the greateſt number, or proportion, of its ſubjects againſt internal oppreſſion, as well as external violence, is undoubtedly the beſt, be-

cauſe it eſtabliſhes order and ſafety, the great ends for which we enter into a ſtate of ſociety, at the expence of a very moderate ſhare of that liberty, which we enjoy in a ſtate of nature; and confers great ſocial advantages, while it deprives us of very few natural ones. No liberty whatſoever can compenſate the want of ſecurity in a ſtate of nature; the hourly apprehenſions of ſuperior force; the inquietudes, which are the perpetual attendants upon fear; defence muſt be ſmall, becauſe every man reſts his reſervation upon his own powers; hence, we behold ſavages always improving their bodily ſtrength, increaſing their agility, acquiring the greateſt poſſible degree of ſwiftneſs, and practiſing patience under labour and fatigue; inſomuch, that the American Aborigines, are ſaid almoſt to fly over continents, lie whole nights in ſnow, and perform ſuch feats as ſeem almoſt incredible; relying on ſingle ſelf for their preſervation. With regard to parental government, this, as it is extremely defective in point of defence, however mild and gentle it may be, from the affectionate relation between the governor and governed, being his offspring, ſo is it little to my preſent purpoſe; I ſhall, therefore, paſs to thoſe Celtic forms, which furniſh the original materials of all the European conſtitutions. There are diſtinguiſhed in hiſtory, two grand emigrations of thoſe northern

northern people, whom all writers agree to be Celtic; and each emigration made an attack upon the Roman empire: in the firſt, they were at length repulſed; in the latter, they ſucceeded, and laid the foundation of all the European kingdoms as above. The firſt adventurers, obliged at length to abandon Italy, ſpread themſelves over Gaul, the northern parts of Spain, Britain, and very probably made ſome ſettlements in Ireland. They left their mother country poſſeſſed with the ſame ſpirit of conqueſt, which actuated the Goths, Vandals, Alans, &c. and the neceſſity of acquiring a ſettlement, (there being no room, as is ſuppoſed, for them at home) eſtabliſhed a ſtrict diſcipline and due ſubordination; a reſpect to one ſuperior, kept every ſmall chief to his duty, and prevented thoſe broils and diſſentions, which ever ſince the ſiege of Troy, have retarded the progreſs of great enterprizes, where they have been ſuffered to interfere. But, my Lord, why the Goths, Vandals, &c. had the good fortune to eſtabliſh more excellent, and for that reaſon, more permanent governments, than the conquerors of the more early period, may appear from a conſideration of the great difference in the circumſtances of the invaded nations at the different periods. The laſt emigrants fell upon the ſouth of Europe, at a time when the Roman laws, inſtitutions, arts and ſciences,

ces, had univerſally taken place; and altho' they conquered, yet, had they much to apprehend from a people who were in poſſeſſion of that diſcipline, which had ſubdued the world. In ſome countries, their conqueſts were ſo imperfect, that they were conſtrained to a compoſition with the inhabitants, and to take but part of their lands, and part of their ſlaves; they were, for this reaſon, obliged to have a watchful eye upon enemies ſo reſpectable, and adhere to thoſe principles of policy, which they brought from their own country. Hence, thoſe powerful mixed monarchies which we have ſince beheld in Europe; ſome few flouriſhing and vigorous, at the time others languid, declining, and ſcarce diſcoverable to be of the Gothick kind. The more early Celtes, met with a different reception when they marched to the ſouthward; for Roman virtue having forced them over the Alps, they fell upon nations who afforded them an eaſy conqueſt; and for whom, the facility of the conqueſt, muſt inſpire them with contempt; they ſoon became eaſy, indolent, and ſecure; loſt ſight of their ancient inſtitutions; no regard to a general intereſt; each petty leader purſuing a ſelfiſh, narrow plan; and hence the imperfection of theſe governments, which Cæſar and Tacitus deſcribe, both in Gaul and Britain. Nations, whoſe want of political cement, rather than of weight or numbers,

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was the cauſe why they were immediately overturned by the Roman armies; whom, even their enemies allow to have been brave, but divided into ſuch little ſtates, that theſe diviſions, and the want of a more comprehenſive band of union, did certainly produce their ruin. There can be no doubt, but the Scotch government is derived from the Celtick confined fountain, and has drawn from thence, the many imperfections with which it abounds; their leaders of clans, the unnatural diſtinction between people of one ſept, from thoſe of another, yet both living in the ſame country; the cruel animoſity between theſe different ſepts; (ſo cruel, that inſtances have appeared, where but one man alone, out of a name conſiſting of 2000, has ſurvived the rage of the adverſe clan, and all this to gratify the paltry ambition of the head of a family) Theſe, I ſay, proclaim the greateſt want of that ſound policy, and good ſenſe, which conſults the quiet, the happineſs, but above all, the external defence of the individuals committed to its charge. I, my Lord, wiſh from my heart, becauſe I think it the advantage of human nature, that no diſtinction ſubſiſted, if poſſible, between the nations of the earth; but from a country which is united to ours, I am impatient to ſee every diſſimilitude removed, which may obſtruct our end. Impatient to ſee the Scottiſh laws approach nearer to the ſpirit of our laws,

laws, and to that ſpirit which their anceſtors brought from Scandinavia, but afterwards ſuffered to evaporate, as I obſerved before. I wiſh to ſee our jury law, and whatever laws have any relation to the liberty and property of the ſubject, better reliſhed by our neighbours; and our common law, enjoy that preference which it deſerves, to the arbitrary edicts of Roman tyrants: then ſhould we ſee miniſters of that nation free from any bias to arbitrary power; and judges, who ſcorning to be tools of deſpotiſm, in juſtice, temper and popularity, ſhould emulate an Holt or a Camden.

As I write without any deſign of lowering that brave and prudent people in the eſtimation of their neighbours, and my ſtructure being on the government, and not the individuals, I hope I ſhall ſtand acquitted of any view, but that of reducing their prejudices in favour of any ſyſtems, which may prevent that aſſimilation with England, for which I have contended. Let Scotland diſcern, acknowledge and imitate, where England is confeſſedly her ſuperior; it derogates not from the merit of any ſingle perſon of the nation, to make the conceſſion, for it was time, circumſtance, ſituation, which have conferred the ſuperiority: let England value not itſelf too much upon this accidental ſuperiority; nor deſpiſe their northern fellow ſubjects, for being inferior as a people,

people, whilſt as individuals, they are inconteſtably their equals; and, let them conſider, that the leſſer merit they allow the Scotch, the more it is the buſineſs of the Scotch, as a brave and ſpirited nation, to claim and inſiſt upon.

Ireland, my Lord, from the circumſtance of ſeparation from Great-Britain, ſeems at firſt view, to want that contiguity, which is, with juſtice, placed amongſt the eſſentials of union; but Ireland has every other eſſential, and though not actually joined to this iſland, is ſo virtually and in effect; it enjoys very near the ſame climate, and the genius of its inhabitants bear as near a reſemblance to that of the natives of this country, as the confuſed, undefinable form of government under which they have lived, will admit. But what ſhould induce us moſt powerfully of all to beſtow upon it that attention which union alone can create, is, that Ireland, in the poſſeſſion of ſome neighbouring powers, would cauſe a diſadvantage of double its own intrinſick poſitive value to us; the human ſpecies has there a moſt ſtrong tendency to multiplication; the men are brave, hardy and robuſt; the ſoil fruitful to an uncommon degree; and its harbours commodious, in every ſenſe of the word. Conceive then, my Lord, the fatal conſequence of ſo injudicious a treatment of that country, as abſolutely loſe all the benefits which may ariſe

from it, of ſlackening the duty and love it is diſpoſed to entertain for England. Conceive, my Lord, ſuch a country in the poſſeſſion of an enterprizing French or Spaniſh monarch, who would behold his intereſt in ſtrengthening, in cheriſhing, and laying it as a continual check upon Great-Britain; how much of our regards muſt be diverted from other concerns, by ſo reſpectable a neighbourhood; when theſe are conſidered, with the great additional ſtrength which that country muſt bring to our own, as a part of one well proportioned body; the objection of the want of contiguity immediately vaniſhes, and we ſee Ireland joined to Great-Britain by a firm political iſthmus.

From the cloſeſt inſpection I have been able to make into human nature, ſuch as it appears in peruſing the hiſtory of nations, or in obſerving the actions of cotemporary individuals (I ſpeak of man, modified as he is by the laws, and education of the particular ſociety, of which he is a member, not as he comes out of the hands of a beneficent Creator.) It is very diſcoverable, that he is an animal, in whom love * of ſelf does ſo ſtrongly predominate, as to make it very neceſſary,

* My opinion will not appear morally heterodox, being no more than that man is created with the proper ſize of ſelf-love, which naturally ſeeks his preſervation, but that bad example, bad education, and the artificial neceſſities

ceſſary, that this ungenerous principle be counteracted by ſome power, which ſhould have alſo this ſame ſelf-love for its ſource. Man, were it not for the dread of law, would think himſelf very excuſable in ſeizing upon more of the goods of this world, than by the preſent ſocial methods of acquiring property, ſhould come to his ſhare; the fear of puniſhment conſtantly interpoſes, and moderation, by degrees, becomes habitual. In communities, then, man finds a check upon his deſires in the laws, but, when we enlarge our view to the whole world, as a great aggregate of various communities; each community of which, may be compared to an individual; where are we to look for the means of controuling, of bounding, the combined paſſions of the multitudes which form each community? How produce moderation? How curb that ambition in the tyrants of thoſe communities, which has ſo frequently deſolated the human ſpecies? If we, perchance, behold national moderation from peculiar form of government, or what other cauſe ſoever, prevail in one country, ſo far from being its ſecurity, that country is thereby expoſed to the invaſion of ſome perfidious neighbour; the law of nations is re-

neceſſities in a ſtate of ſociety, blow it up to an enormous bulk, which would be pernicious, did not the laws of that ſociety ſuppreſs, what its bad education had given riſe to.

curred to, but in vain; a municipal law, the magiſtrate can execute; but to put the law of nations in force, againſt an unruly ſtate, the concurrence of many powers is neceſſary; this may be prevented by too ſtrict a regard to private intereſt; at leaſt it may be delayed; during that delay towns are deſtroyed, provinces ſeized; the aggreſſing power takes ſuch a hold, as may ſupport him through a ten years war; at the end of which, want of union, want of honeſty, in ſome or all of theſe powers, who are ſolemnly confederated to chaſtize him, he has the good fortune to eſcape with impunity the correction: therefore, which ſhould follow a breach of the law of nations, is not ſufficiently certain to deter the wicked and the ambitious in the preſent ſyſtem of Europe. The plan, ſaid to have been levied by Henry the Great of France, was laudable in deſign, but impoſſible, I think, in execution; he intended to bring the joint powers of Europe, who ſeem to have intereſts the moſt oppoſite, as near as poſſible to an equality; that any of thoſe nations who conſtituted theſe two general diviſions, may receive protection from their own party; when thoſe on the other ſide, endeavoured to oppreſs them; but neither he nor any elſe could aſcertain, whoſe intereſts were to be the claſhing ones. It was not thoſe of religion, for we ſee the Proteſtant religion, every regard to honour, gratitude,

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and its own real advantage, ſacrificed by a once conſiderable maritime power, to a narrow, private ſcheme of commercial, ſelfiſh politicks. Auſtria and Bourbon were not to be the contending family intereſts, for we now find them moſt cloſely, and as we are pleaſed to call it, moſt unnaturally connected. In matters, therefore, ſo fluctuaing, it was impoſſible to foreſee where, or between whom the contention ſhould be. If Henry could have enſured one particular ſtate, powerful, and yet honeſt enough always to afford ſuccour to the injured, then would he have ſucceeded. Is not the ban of the empire often unjuſtly arrayed? And is it not as often laugh'd at by thoſe who are able to oppoſe it? I fear, my Lord, that human ſyſtems are not ſo capable of perfection, as we, from our partiality to the framers, are inclined to believe them; but eſpecially when the means of execution are ſo complicated, as in the preſent caſe; and that, therefore, the moſt ſimple expedient, for preſerving as general quiet, as the paſſions and frailties of men can poſſibly admit, will be, for every ſtate to endeavour at ſtrengthening itſelf, which will make neighbouring powers, for their own ſakes, and the love they entertain for themſelves, beware of violating the law of nations; fear of each other, will prevent repeated hoſtilities, prejudices, which we obſerve to ſubſiſt moſt ſtrongly between

thoſe who are frequently at war with each other, will languiſh and die away, and neighbouring countries, inſtead of hating, and ſeeking each others miſery, will love and ſtudy to promote their mutual happineſs; ſo will fear, and an apprehenſion of offending by ſlow, imperceptible degrees, bring a people firſt to bear with its neighbour, then to eſteem, and perhaps, in the end, to treat it with cordiality and affection.

I, therefore, muſt applaud the wiſdom of thoſe, who endeavour to multiply virtuous induſtrious inhabitants, upon ſuch a part of the earth's ſurface, as may be ſufficiently extenſive to form a nation powerful and reſpectable, equal to the defence of itſelf againſt injury, and able to ſuccour a diſtreſſed neighbour, in caſe of any violence, which may put the common ſafety in danger: but ſhould equity and moderation be the acknowledged characteriſticks of that nation; ſhould all the materials for ſuch a work be, as it were, already provided by the hand of Providence, and nothing wanting but a proper political combination of them; it is, doubtleſs, under a double obligation of ſtrengthening itſelf, becauſe human nature, in general, is deeply intereſted in the ſafety, in the influence and power of ſuch a people; the ſmall territory which may be drawn into ſuch a community, cannot, with any juſtice, complain of being ſtripped of their deſpicable

ble pretenſions to independency; when, in reality, they are freed from the tyranny of ſome proud beggarly duke or count, from the oppreſſion of ſome paultry republick, and made members of a ſtate, where every man's rights are ſecured; of a ſtate, which is able to maintain real independency; nor can any thing be more evident, than its being for the intereſt of all Europe, that no petty ſovereignty whatſoever did exiſt; a temptation to every ambitious neighbour, a cauſe of frequent diſturbance, and a kind of conſtraint upon thoſe, who are peaceably diſpoſed to live in perpetual alarms*.

The provinces of France afford a ſtrong example, how diſtracted, how miſerable that country has been, from the death of Charlemagne until Richlieu's adminiſtration, occaſioned by the power and influence of the great vaſſals of the crown? Was Provence ſo happy under her counts; Normandy, Burgundy, Guienne or Britainy, under their Dukes, as they have been ſince the monarchy was formed? What ſubſtantial ſatisfaction, could the conſideration of being ruled by one of their own country; the vanity and parade of a petty court, whoſe retainers devoured the people; afford for the miſeries to which the follies and injuſtice of their maſters did every

* Quia inter impotentes et validos falſo quieſcas. Tacit. de Mor. Ger.

day

day expoſe them? And how can the French, with any juſtice, ſay they have loſt their liberties, becauſe their peers have loſt a dangerous power? And are a people free, becauſe the great lords are able, upon any trifling occaſion, to riſe up in rebellion againſt their king? I rather believe their ſlavery more deſperate and deplorable. The French, probably, never underſtood what real liberty is; for he, who would reſtrain the enjoyment of it to any particular order of men, and not ſuffer its bleſſings to extend through all the virtuous members of the community, miſtakes the import of the word. I muſt, therefore, approve the political wiſdom of the French, for taking in thoſe provinces, which ſeem formed by nature to coincide with their monarchy; the ſameneſs of language, of manners, of cuſtoms, encouraging, and facilitating their deſigns; and do think, the accompliſhment was for the general happineſs of thoſe provinces, without enquiring what right one nation has to make another happy againſt its will. But, when we behold the miniſters or tyrants of France, ſo iniquitouſly abuſing their great increaſe of power, by extending their conqueſts and influence beyond the limits which nature ſeemed to preſcribe; and inſtead of applying that power to ſtrengthen and ſecure the quiet of Europe, exerting it on the contrary, in diſturbing and deſtroying it: we then, indeed,

indeed, muſt lament their greatneſs, and expreſs our ſorrow for that want of rational liberty, and pure religion, which would, undoubtedly, have produced equity and moderation in the councils of that great monarchy.

The general expediency indeed, neceſſity of compact, and powerful ſocial aſſociations, being admitted, the union of Ireland with Great-Britain appears eaſy and natural, liable to no jealouſies of neighbouring ſtates, becauſe, the ſovereignty of Great-Britain over that iſland is univerſally allowed abroad; and that we have always been of that opinion at home, appears, from having conſtantly exerciſed it, where the object has been of ſuch moment, as to affect the intereſt of both kingdoms; ſuch as ſuperintending their legiſlature, and taking from their peers a dernier judicial power, leſt there ſhould be a failure of juſtice, and depopulation enſue in any part of his Majeſty's dominions; and that the leading men of that iſland are ſenſible of that dependancy is clear, from their ſubmitting, the very moment it ſeems to anſwer their own private intereſts, and ſmall ambition, after having bluſhed, perhaps, for one ſhort ſeſſion, and ſorely calumniated ſome poor, timid, unpopular ſecretary of their Lord Lieutenant. Nothing is, therefore, more ſincerely deſired, than that England ſhould look narrowly into

the affairs of that country; that it ſhould conſider them, in ſome reſpect, as their own affairs, and take the proper ſteps for bringing the people to a temper for mixing with themſelves, which having left them ſo much in their own management, has hitherto prevented; nor is it ſurprizing, that the gentlemen who conſtitute the two legiſlative branches of that kingdom, ſhould be incapable of moulding their countrymen to the form we require; their ſcheme of government, and political ideas, are contracted, confined to raiſing ſuch ſupplies as their governors ſhall demand, eſtabliſhing turnpikes, and enacting laws againſt the growth of Popery; debates upon the general intereſts of Europe, upon the improvements of commerce, the prerogative of the crown, or the rights and liberties of the people, are never heard within their walls — they never aſpired to the bleſſings of an habeas corpus act, the ſtrongeſt proof how ſmall their deſire of liberty; carrying with it, at the ſame time, the implied conſciouſneſs of how little they deſerve it: then, can it be expected from thoſe, to inſpire the Iriſh with ſentiments, which may entitle them to unite with the freeſt, wiſeſt, and moſt powerful people in Europe? The landed property of Ireland is, at this time, veſted in the deſcendants of Engliſh or Scotch for the moſt part, or held under titles derived from them; the adventurers of Elizabeth,

beth, and thoſe of the long parliament, being, in truth, the conquerors * of that kingdom, and the purchaſers of thoſe eſtates which their poſterity now enjoy. The gentlemen of that nation, are therefore ſprung from a warlike anceſtry, whoſe blood and t—— were expended in ſubduing, and endeavouring to civilize that country which they now poſſeſs; and although both from right and convenience, Ireland is, and ought to be ſubordinate to England, yet, has an Iriſh individual as indiſputable a right to liberty and property, as an Engliſhman; for why ſhould not the grandſon or great grandſon of an Engliſhman, who left his native country to fight for the glory and advantage of England, and by his valour and perſeverance eſtabliſhed a property for himſelf and family, be looked upon as inferior to the grandſon or great grandſon of an Engliſhman, who choſe to remain at home? No, my Lord, the ſuperiority is of the aggregate, not of the individual; it is admitted in one caſe, becauſe it is for the good of the whole; it is rejected in the other caſe, becauſe it is quite unneceſſary; and all the gentlemen of Ire-

* As for the conquerors of the more early periods; their deſcendants were ſoon degenerate, ſo attached to the Iriſh manners, ſo eſtranged from thoſe of their Engliſh anceſtry, that there was a neceſſity of conquering them with the old Iriſh, particularly as they were infected with the ſame prejudices againſt the reformation.

land have the merit of being deſcended from a brave and free anceſtry. I muſt declare, that no people, to whom ſo many advantages have been preſented by circumſtances moſt favourable, did ever ſo little avail themſelves of them. England offers to their acceptance, the moſt excellent code of laws that was ever framed by any nation; the mildeſt and moſt rational religion; the ſoundeſt maxims of commerce, and the beſt inſtructions for the improvement of manufactures: it has afforded them a wholeſome example of a ſtrict execution of the laws, and moſt of theſe proffered kindneſſes. It is as certain, that the Iriſh reject ſuch laws as relate to inheritance, being originally interwoven with our military feudal tenures, which took place upon the firſt Engliſh ſettlement in the iſland, but ſubject to the 12th of Charles the Second, are the ſame as in England; ſo are thoſe which relate to perſonal property; the inſtitutions which have for their object the manners and principles of the people, independent of religion, are alſo Engliſh, but theſe lie dead and unexecuted; thoſe which relate to religion, are moſtly enacted by themſelves, and are abſurd, unnatural, and ſhocking to humanity, I mean the modern Popery laws, which tend to the diſcouragement of that ſect by forfeiture of property; they are dictated by a ſpirit of uncharitableneſs, which never entered

tered into the laws of England, for theſe are remarkable for their lenity and preciſion, dictated by a ſpirit, which inſtead of diffuſing benevolence amongſt the members of a community, deſtroys all confidence between man and man, and blaſts every bud of honour and virtue; theſe are executed by bills of diſcovery, where breach of faith between neighbours, breach of honour between gentlemen, diſſolution of the ties of blood between relations, are rewarded with the property of the perſon againſt whom the bill is brought. In England, the nature of a penal law is underſtood, and it is a rule that the words of it, are neither to be extended or reſtricted by conſtruction; the framers of theſe laws, which have for their object actions not criminal in their own nature, or as the lawyers ſay, mala in ſe, but only made criminal as they interfere with the policy of the ſtate, enumerate the ſeveral caſes of tranſgreſſion, awaken and collect the ſubjects attention, point it to the thing which is to be avoided, and leave it not in the power of a judge to ſay, that this, or that, was intended by the ſtatute, although not particularly expreſſed; nor ſhall the liberty of any man be taken a way by implication in matters which are morally indifferent. But the Popery laws of Ireland are monſters, ſome call them penal, others remedial, and all admit, that judges can give them a conſtruction,

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by which their determinations may be at leaſt arbitrary, and the people of that religion left in the greateſt confuſion and uncertainty. Your Lordſhip ſees how great an enemy to reformation of every kind, how radically deſtructive of all virtue, both publick and private, muſt be that body of laws, which lets looſe, nay, encourages one part of his Majeſty's ſubjects to prey upon the other; how ſhould union or brotherly love ſubſiſt, where legiſlature is perpetually ſounding the trumpet of diſcord? How void of ſound policy theſe inſtitutions, which deſtroy the morals of a people under colour of reforming the religion? That branch of the Popery laws which are tranſcribed from the Engliſh code, are conceived in a ſpirit of ſimplicity and good ſenſe; avarice was not the blemiſh of the age which produced them; they do not ſtrip the unfortunate, miſguided, innocent people of their properties, becauſe drawn into errors by prieſts; connived at by magiſtrates, whoſe duty it is to reſtrain their religious doctrines and diſcipline; they may be executed by juſtices of the peace; no lawyers neceſſary, no bills of diſcovery, no profits immediately ariſing to any particular individual, by the execution of theſe laws; it is religion and the conſtitution which are to receive the advantage, for which reaſon they are ſeldom put in force; and ſince the Popiſh religion is detrimental to the kingdom, the

rigorous

rigorous meaſures neceſſary for its extirpation ſhould be felt, by thoſe who cauſe the deluſion, not by the unfortunate deluded; it is the moutebank, vagabond, impoſtor, who ſhould be puniſhed, and not the ſimple, credulous people; ſo that inſtead of laws which deſtroy all confidence, and produce rancour and malevolence between fellow-ſubjects, the wicked, ſelf-intereſted propagators, the ſly ſmuglers of the religion into that unfortunate kingdom, ſhould be the object of our indignation. England perfected her reformation by expelling Popiſh prieſts, ſo did the northern ſtates, but Ireland expects, by a ſcandalous perſecution, to compel a bigotted multitude to reform itſelf, and drive out a ſet of men who have now gained a firm eſtabliſhment in their affections and eſteem, and who, I venture to ſay, have a greater aſcendant over their hearts and conſciences, than the moſt powerful head of a ſept could poſſibly enjoy: nor can I ſee, how the expulſion of prieſts could fail of ſucceſs in Ireland; the Romiſh ſuperſtition is ſo contrary to common ſenſe, to chriſtian charity, to the general intereſts of the human ſpecies, that the cloſeſt application to the mind, in its circumſtances of early, indeed almoſt infantine weakneſs, is neceſſary to give it root there, the greateſt aſſiduity is required to rear it, but once confirmed, like every other noxious weed, is with great difficulty deſtroyed; we, there-

therefore, perceive theſe dangerous miſſionaries, initiating their youth as early as poſſible in their ſenſeleſs myſteries, well knowing, that an underſtanding, ſtrengthened by reaſon, muſt ſtart at their abſurdities, and reject them with diſdain; ſo that if the laws were executed, which would remove theſe men from the opportunity of practiſing upon the pliant faith of young people; free and untainted, they would readily embrace a religion founded on reaſon and univerſal charity; nor can theſe Romiſh eccleſiaſticks complain of perſecution, having felt no effect of the laws enacted againſt them, almoſt for an age; they ſee and ſtudy thoſe laws againſt the exerciſe of Papal juriſdiction, and yet, ſuch is their matchleſs effrontery, as to hold them at conſtant defiance; they are almoſt to a man, ill-bred, low-born wretches, but ever pretending to the gentleman, becauſe deſcended from ſervants and retainers in reſpectable families, they have impudently aſſumed their names; their learning amounts to little more than a baſe unclaſſical ſmattering in the Latin tongue, which enables them to blunder over their maſſes, the rudiments received under an Iriſh hedge, and farther cultivated at ſome ſtarved French ſeminary, in return for which ſcanty charity of his Moſt Chriſtian Majeſty, they import into the dominions of his enemy, the ſeeds of rebellion, and a total abhorrence

from

from the free ſpirit of the Engliſh laws and government. What juſt cauſe of clamour could exiſt, if his Majeſty appointed a ſubſiſtence in a foreign country, barely ſufficient to keep them from labour during their lives, ſubject to this condition, that they never *return to a kingdom where* it is moſt certain *they cannot live without* tampering with *conſciences?* This is a mild expedient for getting rid of a ſect, which, for two centuries, has checkt the progreſs of all improvement, and frequently involved that iſland in wars and tumults, by invariably adhering to the ſide of ſuperſtition and tyranny; and I moſt heartily wiſh to ſee this method ſubſtituted to the puniſhment of the innocent, and to the infliction of ſeverities upon the many, when proper caſtigation of a few would better anſwer the purpoſe; but I fear the landed intereſt of Ireland do not diſapprove a policy, which keeps the poſterity of the men whoſe forfeited eſtates they enjoy, in a ſtate of miſery and diſtraction, and that, too poignant a remembrance of the cruelties of the Iriſh Papiſts to their anceſtors, inclines them rather to oppreſs and enſlave the deſcendants of that people, than endeavour ſeriouſly to reform, mix with them in brotherly love, and be joined as fellow-ſubjects by the ties of ſocial affection.

I well know, that the danger of Popery, has been treated as a bugbear by ſeveral on

this ſide the water, eſpecially by men, whoſe bias to arbitrary principles of government, prevents their ſeeing any danger in a ſect, whoſe political opinions are the ſame with their own; they feel not the inconveniencies that attend it, and are ignorant of the frightful effects of that ſuperſtition, both here and in Ireland; their information not exceeding ſome few facts which have happened in their own time, ſtands totally unaided, not only by books, but even tradition from their parents; they conſider the toaſting of memories by the Iriſh Proteſtants, as having a tendency to divide the people, and keep ancient animoſities ſtill alive; and it is certain, that a late high mettled ſecretary to a Lord Lieutenant, had the impudence to pronounce a declamation to that purpoſe in the Houſe of Commons of that kingdom, penned, as it is ſuppoſed, by a remarkable ſtile mimick, from whom that ſuborator ſeems to have received his impreſſions of Iriſh affairs, and indeed, of politicks in general; had he delivered his indirect ſarcaſms upon the memory of William the Third, as the opinion of himſelf or his inſtructor; no man who had the leaſt knowledge of either, would have felt any ſurprize; but an inſinuation of its being the ſenſe of the people of England, that the Iriſh ſhould forget the obligations they owe to the glorious revolution, that they ſhould omit any thing which may preſerve it freſh in their memories,

memories, that they ſhould loſe recollection of what their anceſtors ſuffered by Popery, from the time of Deſmond's rebellion to the capitulation of Limerick, or loſe ſight of any meaſures which humanity will admit, of diſabling Popery, from making any attempts for the future, was, doubtleſs, the higheſt degree of preſumption, that any declaimer ever arrived at: England, on the contrary, is well apprized of the undying rancour of that religion, and the almoſt irreſiſtable diſſimulation of its chiefs; how cooly and ſyſtematically they proceed in bringing about their ends, how unrelenting when poſſeſſed of any power over their adverſaries; that the intereſts of Proteſtaniſm are neither ſo cloſely, nor uniformly purſued; that its profeſſors are divided by not acting under one common head; not agreeing entirely either as to doctrine or diſcipline; in ſhort, that they are too indifferent about a religion, which having reaſon on its ſide, they look upon very able to ſupport itſelf, and do, therefore, applaud their Iriſh fellow-ſubjects for their caution. It is a ſtrong argument againſt ſuffering Popery to continue in Ireland, that the progreſs of every good thing is thereby moſt amazingly retarded; arts and manufactures are born down by the lazineſs and want of decent œconomy, which forms the indelible character of that religion, except in France, where the natural vivacity

of the people does, in ſome meaſure, check its pernicious tendency; but a much ſtronger it is, that government, that the conſtitution is particularly affected by the evils which thence enſue, nor can it partake of the free ſpirit of Engliſh government, altho' the body and members are preciſely the ſame; the people, like thoſe of England, ſhare in the legiſlature, by ſending repreſentatives to parliament; but to a true conſtitutional repreſentation, a ſtrong relation between the conſtituent and the conſtituted is abſolutely neceſſary, in order to retain the repreſentative within the bounds of duty, and oblige him to hold it ever in remembrance, that he is ſent to parliament, not for his own private advantage, but for that of the publick; the more conſiderable the number of electors, the more reſpectable muſt they be in the eyes of the elected, and the more cautious will the latter be of neglecting or betraying their cauſe: but whilſt the Popiſh religion prevails, as to numbers, the body of the people are not repreſented, the individuals of that perſuaſion, lying to a man, under a legal diſability of voting at elections; members are ſent up to parliament by a few Proteſtant freeholders, ſo few, as to challenge very little reſpect in the eyes of men, whoſe ſeats in the houſe have no certain limitation of time, and theſe ſo eaſily managed, that it is very doubtful, whether the ſcandalous

neglect

neglect of propagating true religion, which has appeared in the leading men of that kingdom, has not proceeded from a notion that the diffuſion of it through the people, would give them ſuch a weight and authority, as may exact a greater attention from thoſe who have occaſion for their favour, than has been hitherto found neceſſary; and it is not improbable, that a conſideration how much the emoluments of a free trade in Ireland, muſt be enjoyed by a body of men, who are natural enemies to liberty and the preſent family, may furniſh motives to England, and for ought I can ſee, very reaſonable ones, for continuing that kingdom under its preſent commercial reſtraints.

Since then, it is evident, that the gentlemen of Ireland, either through a want of proper training to a more extenſive plan of politicks, or from too cloſe attention to their preſent apparent intereſts, ſhew a reluctance in advancing their native country to ſuch a ſtage towards perfection, as may bring it to be of greater uſe in the general ſcheme. It is moſt incumbent upon England, from a principle of ſelf-preſervation, to obſerve it more attentively, as a quarter, by which, in caſe of neglect, they are likely to receive a moſt deadly blow *.

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* Probably no part of Roman policy was more liable to cenſure, than their omitting to unite Sicily with Italy, they

The conſtitution of Great Britain has, from cauſes very obvious, taken ſince the revolution a dangerous turn to ariſtocracy, inſomuch, that it is amazing to hear authors of high reputation complain of its tendency to democracy; the Houſe of Commons, it is true, are ſuppoſed to hold the ſtrings of the national purſe: but the majority of that houſe, is certainly formed of men, recommended in counties, but principally in boroughs, by lords; if they are therefore ſeptennially created to repreſent the people by the lords, their political opinions and conduct, muſt depend upon thoſe who create them; the lower houſe is loſt in the upper, and far from being diſtinct branches of legiſlature, they are virtually, altho' not yet nominally, the ſame; was not this the caſe, all places of truſt and profit would not be poſſeſſed by lords, their relations and dependants: neither as to capacity or induſtry, can they claim any ſuperiority; and his Majeſty would not be leſs reſpectfully ſerved, by men who ſtood ſingly on their perſonal merit and loyalty, than by thoſe who are inflated by their own power, or by the conſequence and power of thoſe who recom-

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they would have thereby taken from many bad citizens an opportunity of becoming rich, and prevented the dreadful inſurrections of their ſlaves, which lawleſs oppreſſion of the wealthy landed intereſt of the iſland did occaſion.

mend

mend them; but the general bad effects of this evil, being not immediately to my purpoſe, let us ſee how prejudicial it has proved to the intereſts of the country I ſpeak of. The Lieutenancy of Ireland, is conſigned of late years, to perſons of the firſt rank and title only, and altho' an office upon which depends the advancement of arts, the reformation of religion, and the eſtabliſhment of government in that kingdom; yet, to the carrying forward of theſe really important works, the ſuper-intendancy of a Lord Lieutenant cannot be obtained for more than ſix months out of twenty-four; ſome, indeed, condeſcend to go over a ſecond time; ſome, out of a conſciouſneſs of miſbehaviour, are afraid to venture, and yet their impatience to continue there, does not proceed from any diſlike to the profits of the employment, as they preſs moſt eagerly at home for every lucrative one, nor from a deſire of avoiding the fatigues of a court, for their ambition diſcloſes itſelf, in the encouragement given to their own little levies at their reſpective palaces in Weſtminſter, where their dependants pay a conſtant attendance; nor from an apprehenſion of loſing the royal favour during abſence, like the unfortunate Eſſex, but it proceeds from their apprehenſion of loſing their Engliſh voters in the houſe, and at elections for members and magiſtrates; ſo that were it poſſible to confine the nobility

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to the conſtitutional range which the law preſcribes, a double advantage would thence ariſe to Ireland ; the preſence of thoſe noble perſonages appointed by his Majeſty to be their guardians and protectors againſt domeſtick oppreſſion, and that the younger ſons of the gentlemen of the kingdom, would then enjoy a more reaſonable proportion of the employments, military, civil and eccleſiaſtick, which their country ſo plentifully maintains, than they can in the preſent ſituation of affairs, whilſt their governors are obliged to beſtow them upon their Engliſh dependants, whoſe friends and relations have engaged in ſupporting their parliamentary influence at home : and here your Lordſhip ſees a great part of the wealth of one iſland, directed to the ruin of the liberties of the other——But to proceed, if the chief governor was to continue in the kingdom, he might be at leiſure to make progreſſes, ſee whether the people were governed or oppreſſed, and what was the true and general ſenſe of the nation ; he would there behold the Proteſtant religion expiring thro' the lazineſs of our prieſts, and an unwearied application in thoſe of the enemy ; the internal rule of the kingdom or its police, by which the manners of a people are principally formed, intruſted to magiſtrates, whoſe only recommendation is a blind obedience to the will of thoſe, who enjoy the derivative power

power under the chief governor, and a burning zeal for extending their intereſts at every election; he would ſee the money raiſed upon the people for encouraging manufactures, and eſtabliſhing the moſt deſirable convenience of an inland navigation, perverted to the vile purpoſes of acquiring a dominion over boroughs, by jobbing the management of the works to thoſe who are able to lend their aſſiſtance therein; if he continued his reſidence in the kingdom, he would diſcover laws to have been enacted, which (contrary to all thoſe rules laid down by reaſon and publick utility for the direction of legiſlature) are reſpective in their nature, and aſſume for their object tranſactions and agreements, which had an exiſtence previous to any notion of making ſuch laws, with a view to encreaſe the private fortune of ſome parliamentary leaders, or ſcreen ſome of their favorite tools from the juſt demands of their fellow-ſubjects; he would ſee theſe leaders profeſſing whigiſh revolution principles, and, indeed, procuring and continuing to themſelves much Proteſtant popularity by ſuch appearances, yet, taking every indirect method of ſubverting theſe principles, by corrupting univerſally, and eraſing from the minds of their countrymen, every impreſſion of honour and regard to liberty; he would ſee the common people labouring under all the miſeries of poverty, of ſlavery, and daily

ſinking from bad to worſe; and he would lay the true ſtate of that unfortune kingdom before his Majeſty, from whoſe wiſdom and goodneſs it could not fail of redreſs.

But if an unbounded attention to their parliamentary concerns, has ſo entirely engroſſed the body of the Britiſh nobility, as to render it impoſſible to find thoſe amongſt them, who will dedicate their time to a real diſcharge of their duty as a Lord Lieutenant of Ireland; many commoners may be found, who with great juſtice, will think themſelves highly honoured by the office, even under that *ſevere condition* of doing their duty: the office derives no luſtre from the perſon, but the perſon from the office; a rule, which will hold even with kings. It is allowed, that to the exerciſe of an office in the treaſury, admiralty, or the other departments of government, ſome experience and application are required, but for the government of a kingdom, which contains above two millions of inhabitants, ſupports, as I am informed, twenty thouſand men, with placemen and penſioners beyond number, a nobleman becomes inſtantaneouſly qualified; and when he thinks proper to be weary of his charge, his ſucceſſor becomes as ſuddenly, and as miraculouſly qualified as he. If a country is ſo far removed from the reſidence of the ſovereign, that he cannot ſee with his own eyes the real ſtate of that country; and

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if the indolence or avocation of viceroys are ſuch, that they will not ſee with their own eyes, but muſt receive the *repreſentations*, which they lay before Majeſty, from men whoſe private intereſt it is, that every thing ſhould be *miſrepreſented*; then will a few families of large fortunes, and extenſive connexions, play off the king againſt the people, and the people againſt the king, and with the greateſt ſucceſs, provided they are ſtrengthened by an Engliſh intereſt, they will appear to the people poſſeſſed of the royal confidence, from the power they are ſeen to have of beſtowing ſome trifling civil employments, at times, a commiſſion in the army, and upon extraordinary occaſions, perhaps, a biſhoprick; and the loyal deportment of the people will, by a moſt ſcandalous impoſition, be imputed not to its real cauſe, a thorough *ſenſe of their duty, and an unalterable affection to their Prince*, but to the addreſs and ingenious management of theſe leaders; this, I may venture to undertake, is the hinge upon which Iriſh government has long turned, and the conſequence muſt be an abſolute vaſſalage in that country, and an entire obſtruction of all intercourſe between King and people; the feelings of allegiance will become faint; dependance, fear, adoration of their domeſtick idols, will take place, and theſe idols will have it in their power at length, to extort from their

maſter whatever ſpecies of penſion, or gratification, they, in the plenitude of their inſolence, ſhall think proper to demand.

However, ſince the age in which we live is ſuch, that an unſocial, contracted ſelfiſhneſs, appears the ſtrongeſt line in its character, I ſhould not, my Lord, be ſurprized to hear it urged, in oppoſition to my ſpeculations; *If Ireland is of ſo great moment, ſo fruitful in ſoil, its inhabitants ſo numerous, with ſuch variety of other advantages*, why ſhall it not take care of itſelf? to this it may be ſufficient to reply, that from her political dependance upon England, ſhe cannot venture to undertake any buſineſs of weight, or of conſiderable import to herſelf, without the conſent of England, bold *ſtrokes of reformation come from the arm which is powerful and unconſtrained*; that Ireland, backward as ſhe is in copying from England, whatever may be uſeful and praiſe-worthy, has been moſt ſingularly docile in the ſcience of cabal and domeſtick intrigue, nor are her ſons leſs expert in bribery and corruption, than the managers of the moſt diſputed borough in England: we have, therefore, rendered them both unfit and undiſpoſed to reform themſelves, whilſt their ſubordination, had they been never ſo well diſpoſed, has put it entirely out of their power; but if this reply proves inſufficient, arguments drawn from love of ſelf, muſt have their due weight,

weight; and let us recollect, that a time may come, when ſome powerful ſtate, leſs indifferent about the advantages which nature offers, may think ſeriouſly of that country, which we look upon as unmeriting our notice; that the miſconduct of governors, or the under agents of governors, may create an indifference in the minds of the people, whether they live under an Iriſh Lord Lieutenant, a French commandant, or a Spaniſh viceroy; that the united diſaffections of the inhabitants, both Proteſtant and Papiſt, muſt yield great encouragement to foreign attempts to invade them, and almoſt certain ſtability to their invaſions; and that in ſome future luxurious, degenerate age, a Hawke or Kepple may not appear, whoſe matchleſs intrepidity ſhall brave the dangers of rocks and ſhoals, to deſtroy the deſtined invaders, perhaps, the conquerors.

OUR PLANTATIONS have formed the ſubject of ſo much debate and altercation of late, that little new, and therefore very little intereſting, can be now advanced upon that head; yet how will this matter appear, upon trial by that real touchſtone of all political diſquiſitions, *improvement of manners and publick ſecurity?* Moral perfection, or the neareſt poſſible approaches thereunto, is indiſputably the firſt, and moſt worthy end of all our purſuits; and yet defence againſt external violence, protection of the community engages,

engages, and with reaſon, almoſt an equal ſhare of our attention, being that, without which, an opportunity of affecting the former is abſolutely loſt; arts, ſciences, and pure religion, no more than eloquence *, can have their natural growth, amidſt the ſtrugglings for liberty, amidſt the ſhouts of conqueſt, or, indeed, amidſt the fears and apprehenſions of being conquered; to this purpoſe is required a ſteady, ſettled, unpalliable temper in the ſtate, for which reaſon, many ſmall conſiderations muſt give way to this ſingle great one; agreeable, therefore, to this principle, I cannot avoid declaring, that our American fellow-ſubjects have not maturely conſidered how trifling are the reſtrictions of the mother country, when weighed againſt the advantages, which that ſame mother country has afforded them; and I conſider every writer who would whet the edge of their appetites, to a higher degree of keenneſs, for trade and wealth, as the general enemy, who would raiſe them too high in their own opinions, and leſſen, in their eyes, the obligations they muſt owe to England: they talk of having carried *their fortunes from England to make their ſettlements*; ſome particular men might have done ſo, but,

* Neque enim in conſtituentibus rempublicam, nec in bella gerentibus, nec regum dominatione devinctis, naſci cupiditas dicendi poreſt. Cicero de Oratore.

nothing

nothing is more certain, or better known, than that neceſſity has been the cauſe of almoſt every emigration that has happened, and that the beginnings of moſt American properties were remarkably ſlender: by a free and beneficial trade, well protected by Britiſh navies, they have, indeed, accompliſhed a moſt rapid growth, to which their own much to be applauded care and induſtry has largely contributed.——The riſques, *they ſay, they have run in making their ſettlements* cannot, as they pretend, be admitted as done with a view of *ſerving the mother country*, becauſe, in general, countries are allowed to ſuffer rather, by the exportation of their wealth and inhabitants, and ſo would England, did not the peculiarity of its naval and commercial circumſtances, ſo ſingularly diſtinguiſh it from Spain and all other countries; did not its dominion of the ſeas, ſo facilitate the intercourſe between every branch of its empire, that any of its inhabitants, or the property of any of its inhabitants, may, as it were by magick, virtually and in effect, appear wherever they require. Now, as to their obligations to Britain, admitting that no pecuniary aids had been advanced towards eſtabliſhing their ſettlements, how can they diſcharge themſelves of the obligation of having received from England a body of excellent laws, ready to be tranſcribed; a ſet of ſocial improved manners, ready to be tranſ-

tranſplanted; arts and ſciences; all which, if raiſed from the ſeed, would have a tedious, and interrupted growth in the wilds of America? If we add to this, that reſpect which a ſubject of England muſt challenge, in what ſituation ſoever, which no ſmall colony could pretend to maintain, it will be impoſſible to liſten with patience, to the man, who would refine away theſe obligations, by alledging that England has acted from narrow motives, in order to ſtrengthen herſelf: an undutiful child, may tell his father, that he begot him to pleaſe himſelf; that he cheriſhed him, that he fixed him and his fortunes in the world, merely to gratify his parental feelings; and upon this falſe reaſoning, impiouſly hold himſelf acquitted of every duty; but nature declares againſt him; and altho' no ingratitude can dwell where there is a reciprocation of good offices, yet, he who receives the firſt act of kindneſs, will ever remain the moſt obliged.

No man entertains a more cordial affection for our fellow-ſubjects of America than I do; their emotions in favour of liberty are generous and praiſe-worthy, but muſt ſtill be of opinion, that they have not, as yet, conceived (ſo generally as may be wiſhed) notions of government ſufficiently digeſted and extenſive; ſince their anceſtors made their emigrations, liberty has received many and great improvements; the rude wild ſtock,

hurried

hurried by ſcandalous perſecutions at home, they haſtily plucked from the mother ſoil; it ſtruck ſtrong roots, and vigorouſly flouriſhed in their new congenial clime; but it was at the revolution, the generous well-flavoured fruit was engrafted, which I fear, no part of the Britiſh empire, except England, has yet brought themſelves properly to reliſh.

A ſacred and inviolable right of taxing themſelves, and regulating their own affairs, without any exception, for what unforeſeen dangers and ſudden emergencies may produce, has been contended for with too great a latitude; the colonies muſt now conſider themſelves as a part inſeparable from the grand body of the Britiſh empire, and as ſuch, an evil happening to that part, may ſpread itſelf to the whole, as a ſore in any particular member, may cauſe a general mortification; inattention to, or bad management of the plantations, may let in an evil, which would, in its conſequences, bring the exiſtence of Great-Britain into danger; a moment's deliberation, then, muſt ſurely fix the relative weight of Britiſh trade, glory, and influence, to that of American pure natural liberty, and abſolute, uncontroulable independance.- The Americans, being the ſubject of the preſent debates, becauſe they happen to be more immediately concerned, declare themſelves the proper judges upon

the occaſion, but altho' moſt *immediately* concerned, they do not furniſh the object of *greateſt* concern; Britiſh ſafety, power and trade, furniſh this grand object: Britain, therefore, is the more competent judge, and it would be unreaſonable to expect, that any wiſe adminiſtration, after the warnings already received from the indolent deportment of the colonies at the beginning of the late war, would ſuffer conſiderations of ſo high a nature, to reſt upon the determinations of men, whoſe neglect has been already ſo juſtly cenſured, from whoſe torpid ſullenneſs and obſtinacy, the enemy did confeſſedly derive ſuch advantage. Shall it depend upon the reſolutions of a Philadelphian aſſembly, whether our fellow-ſubjects ſhall arm in defence of liberty and property? Does the fate of a whole continent bear any proportion to an almoſt imperceptible encroachment upon the important privilege of an American, deliberating for a year or two, whether he will pay ſix-pence in the pound, to ſave himſelf and family from perdition? A provincial aſſembly is very capable of determining upon what is moſt expedient for their own internal rule, what moſt advantageous to their trade; but when the great ſcheme of governing all the parts of an extenſive community, when the relation in which they ſtand to this community is to be conſidered, then their capacities begin to narrow

narrow in my eſtimation, and they come to ſhew themſelves in a ſphere of debate, for which I can, by no means, think them qualified. Why, ſays an individual, fired with a wild ſpirit of liberty, ſhall I give up that power which nature has beſtowed upon me, of acting and thinking for myſelf? Why, ſays an advocate for ſociety, ſhall you be protected by ſociety in your property and perſon, in the exerciſe of virtuous liberty, which is a power of doing, not what you will, but what you ought to will? If no individual then, may ſet up his ſingle opinion and ſtrong cravings for crude liberty, where ſocial good is concerned, if he is not allowed to diſcern ſo clearly, whether theſe loud calls of nature, about which he makes ſo great a parade, may not interfere with, and obſtruct ſome moral and ſocial end; no more is any diſtinct part of an empire, intitled to carve for itſelf, and lay it down as an invariable maxim, that on no occaſion whatſoever are they to be governed, by rules to which they have not conſented; much reſpect, therefore, is due to the opinion of Great-Britain, in that material point of regulating a provincial defence, and whenever it ſhall be urged, that the Americans are moſt competent to judge of the quantity of taxation, or the method of applying the taxes, and that a want of provincial defence, muſt be more immediately and ſenſibly felt by

themſelves, than by thoſe who are far removed from the ſcene of American affairs; when they plead the great law of nature and of liberty, to any claim of Britain to ſuperintend their affairs, I reply, the ideas of ſocial liberty in diametrical oppoſition to their allegations, I aver, that they are not the moſt competent judges of the expediency of a domeſtick defence; and I eſtabliſh my averment, by their having already ſhewn themſelves incompetent, in never producing any one general plan for that purpoſe, from the peace of Utrecht to the war of 1756; inſomuch, that altho' ten times the number of our enemy, they would have been abſolutely driven off the continent, were it not for the ſeaſonable interpoſition of England, and all this, from a peeviſh reluctance to aſſociate and unite, a reluctance, to ſacrifice a ſmall part of their own will and pleaſure, to peace and ſecurity, which reluctance, they are diſpoſed to compliment, with the honourable appellation of liberty.

If then, the American colonies, have manifeſted a neglect to make the neceſſary proviſion for their own defence, and that Britain may ſuffer through this neglect, ſhe is powerfully warranted in proceeding againſt a probability of any future ſituation of thoſe colonies, ſo dangerous, ſo productive of heavy expence, as that we have lately beheld. It was, indeed, the duty of the colonies, to anticipate

ticipate the cares of the mother country, and make, after the example of Ireland, ſuch a military eſtabliſhment as may tend to diſcourage any attempts of an enemy, and not furniſh, by their remiſneſs, a Britiſh adminiſtration, with even an excuſe for obtruding their kind offices upon them: they ſhould conſider the various and fluctuating nature of Britiſh councils; and that power, from the free nature of our government, may be ſometimes in the hands of men, who are delighted in obliging and ſtrengthening our enemies, in ill-treating and diſguſting our friends, and who, when they accidentally engage in carrying even a neceſſary meaſure into execution, ſtumble upon ſome mode of doing it, which not only deſtroys every end and advantage which may ariſe from it, but is alſo productive of univerſal murmurs and diſſatisfaction; but of all things, ſhould they beware of beholding our miniſterial blunders, in the light of national acts, and thence, perhaps, conceive a diſlike or alienation of affection from their Britiſh fellow-ſubjects. The ſenſe of this nation is neither unjuſt, unreaſonable, or oppreſſive; but no human wiſdom will, I fear, be ever able to ſecure us againſt falling ſometimes into the hands of ſuch wretches, as thoſe who made the peace of Utrecht or of Verſailles.

On the other ſide, my Lord, it muſt be admitted, that the mother country has not en-

entirely acquitted herſelf in the diſcharge of her parental offices. It is certainly the duty of thoſe, whom Providence has commiſſioned by conferring great powers on them, for promoting the welfare of the human ſpecies, to watch and attend to the changes of circumſtance, which muſt happen to all earthly things, and frame ſuch inſtitutions, as may anſwer (ſo far as human prudence can provide) to the variety of caſes which may ariſe; new circumſtances produce new ſyſtems. When a perſonal property began to grow conſiderable in England, our anceſtors thought proper immediately to enact ſuch laws, as might facilitate alienations; they had recourſe to the civil codes, and thence they brought the ſtatute of will of diſtributions, and adopted ſuch a portion of the ſpirit of Roman juriſprudence, as may anſwer the exigency. But, with regard to colonies, ſo diſtinguiſhed is Great Britain, ſo critically diſtinguiſhed, by a complication, of naval, of landed, of commercial, of military conſiderations, from every ancient ſtate; that inſtitutions drawn from Tyre, from Carthage, from Rome, or from Rhodes, can never anſwer the preſent occaſion; and legiſlature muſt inveſtigate, thro' the walks of nature, morals of utility, and of preſent convenience, ſuch truths as may afford a ground work for this neceſſary undertaking; our common law, revered with juſtice for its honeſt ſimplicity,

plicity affords no reſources in ſo variegated a ſubject; nor could our Gothick fore-fathers poſſibly foreſee the aſtoniſhing turn, which this kingdom has taken to commercial adventure, ſince the reign of Henry the Seventh, occaſioned by a moſt unexpected event, the diſcovery of a new world; they could not foreſee the emigration of colonies to this new world, and could, therefore, never think of framing any calculation for ſuch a contingency: why, then, look into the laws in being, for any aids upon this occaſion? A plauſible and ſagacious lawyer, may diſcover ſomething in his books analogous, or what he thinks, and would perſuade the world is analogous to the caſe of our colonies, propoſed to him for ſerious conſideration; he fancies it a corporation, for inſtance, and from henceforth, every American queſtion, comes to be examined by principles laid down for directing a corporate legiſlature; that is, becauſe a Britiſh corporation has delegated their natural original right of legiſlature, to thoſe who repreſent them in parliament, and thereby veſted in that aſſembly, a power of controuling their corporate acts: our colonies, therefore, who not being called upon, make no returns of members to the Britiſh parliament, are ſubject to a like controul, this is not reaſon, either plain or refined, either natural or artificial, and therefore cannot be law; in truth, the

opinions

opinions of the gentlemen of the long robe, are not to be admitted, in an affair, ſo much above their level, for this would, indeed, be an erecting of courts, intended for explication of the laws in being, into actual legiſlatures; a power, very lately rejected by, perhaps, one * of the wiſeſt and moſt modeſt judges, that ever adorned a bench; and, in a caſe, where the exerciſe of ſuch a power would be readily excuſed, being in vindication of the liberty of the ſubject. But, my Lord, the laborious ſtrainings of our lawyers, in applying their learning to American affairs, will never produce any thing adequate to this grand occaſion; our colonies are inſenſibly grown into a reſpectable importance, and demand the moſt ſolemn conſideration of legiſlature, of wiſe, of honeſt legiſlature; and, I am perſuaded, that the preſent matter deſerves treaties, commiſſioners, and every other ſolemnity, preceding the act which u-nited theſe kingdoms; we ſhould conciliate the good-will of our fellow-ſubjects, who live at a diſtance, as warmly as that of thoſe who are nearer home, provoke neither to reſentments, by injury or oppreſſion, but ever remember, that Egina and Æubea were eaſily brought to a ſenſe of duty, by the Athenians, whenever they became turbulent; but

* Judgment delivered by Lord Camden, in the caſe of Entick and the Meſſengers; laſt day of Michaelmas term, 1765.

when

when they carried their arms againſt Greeks, who were more diſtant, the ruin of their power was the immediate conſequence, and their greatneſs expired at Syracuſe *.

Had Britain been bleſſed with a continuance of that adminiſtration, which carried her military glory to ſo exalted an height, in the laſt war, had that miniſtry, I ſay, been permitted to conclude a ſound and healthy peace; upon that firm baſis, by ſuch able political builders, would have been raiſed a pile, compoſed of all our colonies and dependencies, whoſe ſtrength, beauty, and magnificence, would be the envy and admiration of the world; theſe wiſe and virtuous patriots, would have ſhewn talents for peace, equal to thoſe they had diſplayed for war, and our conqueſts, inſtead of being the cauſe of diſſentions and animoſities, between his Majeſty's loyal ſubjects, would long ſince have turned to great and laſting account: commiſſioners would be formally appointed to examine minutely into the ſtate of our colonies; a proper method taken for raiſing ſupplies to anſwer the expences of government; taxations be laid, in a manner, the leaſt grievous to the ſubject, and moſt conſiſtent with ſocial liberty; in ſhort, that gradual aſſimilation with the mother country, ſo much to be deſired by all its deſcendants, would be at length brought about;

* The Syracuſans were a Dorick colony.

for though war is the ſeaſon of danger, yet, is it very eaſily demonſtrated, that the miniſter of peace is as much above the miniſter of war, as the ends are more worthy than the means; that is, when the great and neceſſary works of peace are properly attended to; but when peace is made, in order to generate matter for new war; then, indeed, the artful wretch, who can deceive his king, corrupt, debaſe, and oppreſs the people, will anſwer every purpoſe; no neceſſity for integrity or wiſdom remains, where cunning and deceit are found to be all-ſufficient.

I am,

My LORD, *&c.*

FINIS.

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